

Council on Postsecondary Education
Committee on Equal Opportunities
April 15, 2002

**1997-2002 Kentucky Plan for Equal Opportunities
Status: Racial Harassment Policies**

At the February 11, 2002, meeting, the Committee on Equal Opportunities asked council staff to report at its April meeting the status of implementation of racial harassment policies by Kentucky's public institutions. Institutions were asked to provide copies of their racial harassment policy. Each university submitted a racial harassment policy, or its equivalent, in response to the request.

Eastern Kentucky University, the Kentucky Community and Technical College System, Murray State University, and the University of Kentucky indicated that their institution had a racial harassment policy. The University of Louisville provided an interim Discriminatory Harassment Policy that addresses forms of discrimination and harassment. UofL plans to make minor changes to the policy and expects to have a permanent policy in place by fall 2002.

Four institutions do not have a separate policy on racial harassment, but indicated that racial harassment and discrimination is prohibited at their respective institution. Each institution identified their Affirmative Action/Equal Opportunity Plans and Student Handbook as the primary document used to provide a general summation of the procedures used to manage racial harassment or discrimination.

Kentucky State University stated that their racial harassment policy is integrated in the KSU Policy Manual in the student's rights and responsibilities section. Policies regarding KSU's faculty, staff, and administrators, information is located in the university's Affirmative Action Plan. Morehead State University also identified the Affirmative Action/Equal Opportunity for Employment Plan as the primary document that addresses racial harassment. Northern Kentucky University stated that the Equal Opportunity Policy in the Student Handbook highlights racial harassment issues. Western Kentucky University identified a policy that addresses racial harassment in the Statement of Compliance and the Student Life Policies Statement on Student Rights and Responsibilities found in the Student Handbook. Also, WKU has established a racial response team to address racially offensive incidents on campus.

The institutions indicated that their policies are consistent with federal and state civil rights laws, including Title IX and Title VI that prohibits discrimination on the basis of race, color, or national origin. Title VI of the Civil Rights Act of 1964 protects individuals from discrimination in programs or activities that receive federal financial assistance. All institutions pledged to support cultural diversity and to foster a campus climate free of racial harassment and discrimination.

Staff preparation by Rana Johnson

EASTERN KENTUCKY UNIVERSITY (NON-DISCRIMINATION POLICY)

Eastern Kentucky University is an Equal Opportunity/Affirmative Action employer and educational institution and does not discriminate on the basis of age, race, color, religion, sex, sexual orientation, disability, national origin or Vietnam era or other veteran status, in the admission to, or participation in, any educational program or activity which it conducts, or in any employment policy or practice. Any complaint arising by reason of alleged discrimination should be directed to the Equal Opportunity Office, Eastern Kentucky University, Jones Building, Room 409, Coates CPO 37A, Richmond, Kentucky 40475-3102, (859) 622-8020 (V/TDD), or the Director of the Office for Civil Rights, U.S. Department of Education, Philadelphia, PA.

Please Note: This policy is consistent with federal and state civil rights laws (including Title VI) and prohibits discrimination (including harassment) on the basis of race. We provide campus wide training and workshops on discrimination and harassment. In all such training and workshops, we review our nondiscrimination policy, state that racial harassment is a form of discrimination and that discriminatory practices prohibited by the policy include both verbal and physical racial harassment. Additionally, we specifically state that prohibited conduct under this policy includes engaging in racial discrimination or harassment. Further, we state that such harassment undermines the mission of the University, offends the integrity of the University community, and it will not be tolerated.

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EASTERN KENTUCKY UNIVERSITY

Serving Kentuckians Since 1906

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March 12, 2002

Mr. Sherron Jackson
Senior Associate, EEO & Finance
Kentucky Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601-8204

Re: Response to March 6, 2002, Request
Committee on Equal Opportunities

Dear Mr. Jackson:

The following information is being submitted to you in response to the request of the Committee on Equal Opportunities:

- Eastern Kentucky University's Nondiscrimination Policy. This policy is consistent with federal and state civil rights laws (including Title VI) and prohibits discrimination (including harassment) on the basis of race. We provide campus wide training and workshops on discrimination and harassment. In all such training and workshops, we review our nondiscrimination policy, state that racial harassment is a form of discrimination and that discriminatory practices prohibited by the policy include both verbal and physical racial harassment. Additionally, we specifically state that prohibited conduct under this policy includes engaging in racial discrimination or harassment. Further, we state that such harassment undermines the mission of the University, offends the integrity of the University community, and will not be tolerated.
- The membership of Eastern Kentucky University's Campus Environment Team. The Campus Environment Team is referred to internally as the Diversity Committee. The President appoints members each academic year for a one-year term. Currently, the Campus Environment Team consists of twenty-six members, of whom nine are African-American, two are American Indian, fourteen are Caucasian, and one is Hispanic. This represents the addition of five new members since Virginia Underwood submitted information on the Campus Environment Team to Dr. Rana Johnson on November 29, 2001. The new members, individuals from the offices of admissions, multicultural student services, and equal opportunity, were appointed at the request and recommendation of the Co-Chairs. The Campus Environment Team is responsible for making recommendations to the President in the areas of improving campus climate and fostering diversity. The Campus Environment Team reports to the President.

My commitment to diversity and inclusiveness is unwavering. We will continue to work diligently to foster a climate that ensures access for all who seek our programs, services and employment opportunities and respects and celebrates diversity within the campus/community which includes, but is not limited to race, ethnicity, religion, gender, and national origin, in pursuit of a common unity.

Please let me know if you have any questions or would like any further information in this matter.

Cordially,

Joanne K. Glasser

26

3.3.1 Harassment Based on Race, Gender, Age, National Origin, Color, Religion, or Disability

KCTCS intends to provide a work environment that is pleasant, professional, and free from illegal discrimination. Persons, including students, shall not be forced to tolerate a hostile work environment. A hostile environment is created when persons are forced to suffer harassment based upon their race, gender, age, national origin, color, religion, or disability.

3.3.1.1 What is Harassment?

Workplace harassment may create a hostile work environment if the harassment interferes with an employee's job performance. Harassment can take many forms, including, but not limited to, innuendo, suggestive comments, threats, insults, jokes, horseplay, rumors, pictures, signs, writings, e-mail, and gestures, based upon another person's gender, race, age, national origin, color, religion, or disability.

3.3.1.2 Responsibility

All employees, and particularly immediate supervisors, have a responsibility for keeping our work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or the designated management representative with whom they feel comfortable. When management becomes aware of the existence of harassment, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the KCTCS to do so.

3.3.1.3 Reporting Harassment

While KCTCS encourages you to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that you do so. It is essential, however, to notify your supervisor immediately even if you are not sure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported through the normal supervisory channels, or by contacting the Personnel office, or through the complaint resolution procedure. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination. KCTCS will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee making a good faith report of alleged harassment. KCTCS accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences. KCTCS may or may not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

3.3.1.4 Consensual Relationships Policy

The definition of "consensual relationship" includes a mutually agreed upon romantic relationships and/or a relationship involving physical intimacy.

KCTCS acknowledges its responsibility to provide clear direction to its College communities about the professional risks associated with consensual relationships in which a definite power differential between the parties exists. Inasmuch as KCTCS is committed to fostering the development of learning and work environments characterized by professional and ethical conduct and free of discriminatory behavior, consensual relationships between instructor and student or supervisor and employee are discouraged. KCTCS recognizes that it cannot regulate such personal decisions, but views them as sources of concern for two reasons:

- 1 Abuse of Power: Individuals entering into consensual relationships involving a power differential must recognize that (i) the reasons for entering such a relationship may be a function of the power differential; (ii) where power differentials exist, even in seemingly consensual relationships, consent shall not be considered a defense if a complaint of sexual harassment or retaliation is brought; and (iii) the individual in the relationship with greater power will bear the burden of accountability.
- 2 Conflict of Interest: Conflicts of interest may arise in the connection with consensual relationships between instructors or other KCTCS staff and students, or between supervisors and subordinates. Our nepotism policy prohibits individuals from making or influencing decisions affecting those with whom they have intimate, familial relationships. The same principles apply to consensual relationships.

6-22-98

Approval Date

Date(s) of Last Review

Date(s) of Last Revision
(Include all dates in
chronological order)

Recommended by

6-22-98

Date

President, KCTCS

Harassment Policy

Statement of Policy

KCTCS intends to provide a work environment that is pleasant, professional, and free from illegal discrimination. Persons shall not be forced to tolerate a hostile work environment. A hostile environment is created when persons are forced to suffer harassment based upon their race, color, national origin, sex, age, religion, or disability. Workplace harassment may create a hostile work environment if the harassment interferes with an employee's job performance. Harassment can take many forms, including, but not limited to, innuendo, suggestive comments, threats, insults, jokes, horseplay, rumors, pictures, signs, writings, e-mail, and gestures, based solely on another person's race, color, national origin, sex, age, religion, or disability.

Definition of Racial Harassment

For the purposes of this statement racial harassment shall be defined as:

"Any unwanted and/or repeated derogatory statements or racially discriminatory remarks made by someone in the course of his or her employment which are offensive or objectionable to the recipient, or which cause the recipient discomfort or humiliation, or which the recipient reasonably believes interferes with the performance of the job, undermines job security or prospects or which creates a threatening, intimidating or hostile work environment." Harassment can occur *even if offence is not intended*.

It shall include:

- unwanted physical contact, or physical attack
- verbal abuse or threats
- racially suggestive or derogatory remarks
- insults, ridicule or racist jokes
- displays of racially suggestive or degrading pictures, graffiti or objects in the workplace
- any comments which imply that race impairs the person's ability to perform the role
- incitement to commit such an act.

Definition of Sexual Harassment

For the purpose of this statement sexual harassment shall be defined as:

"Unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of men and women at work including any unwanted and/or repeated verbal or sexual advances, sexually derogatory statements or sexually discriminatory remarks made by someone in the course of his or her employment which are offensive or objectionable to the recipient, or which cause the recipient discomfort or humiliation, or which the recipient reasonably believes interferes with the performance of the job, undermines job security or prospects or which creates a threatening or intimidating work environment."

It shall include:

- unnecessary touching or unwanted physical contact
- sexually suggestive or derogatory remarks
- leering at a person's body
- compromising invitations or presents
- requests or demands for sexual favors
- displays of sexually suggestive or degrading pictures or objects in the workplace
- any comments which imply that gender impairs the person's ability to perform the role
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

Definition of Age Harassment

Age harassment may be defined as any hostile, offensive or threatening act or behavior by an employer or a person under the age of 40, against a person age 40 or older.

A hostile work environment may be created when an employer does any of the following:

- Excludes older workers from important, substantive activities.
- Forces older employees out of the workforce through negative changes in their performance evaluations.
- Pressures them with financial incentives into taking early retirement, regardless of their performance.
- Implements insensitive, poorly conceived policies.
- Cuts off older workers from job-related education, career development and promotional opportunities or reduces their basic responsibilities.
- Hires younger people to take over key responsibilities as a "preretirement move," assuming— often without justification—that older employees will retire in the near future and that younger employees have more productive years left.
- Favors younger job applicants over older, better-qualified candidates.

Kentucky Community and Technical College System
(Excerpt from Affirmative Action Plan)

Definition of Religious Harassment

Religious harassment may be defined as any hostile, offensive or threatening act or behavior by a person of one religious background against a person of another. Such behavior includes derogatory name-calling, insults and religious jokes, verbal abuse and threats of physical attack. It may also include displaying or failing to remove flags, graffiti or other emblems which may cause offence to a particular section of the community. Generally religious harassment occurs where there is any activity which is designed to, or has the effect of, making a person feel uneasy, unwelcome, uncomfortable or threatened because of their religion.

Definition of Disability Harassment

Disability harassment may be defined as any hostile or offensive act or expression against a person because of their disability or learning difficulty. It includes incitement to commit such an act. Such behavior includes, as well as physical attack, derogatory name-calling, insults and jokes, verbal abuse or threats, and actions which humiliate, demean or ridicule a person because of their disability.

Disability harassment occurs when any such behavior creates an intimidating, hostile or offensive environment for employment. Faculty and staff shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as disability harassment by one person may not seem so to another. The defining features, however, are that the behavior is offensive to and unwanted by the recipient and would be regarded as disability harassment by any reasonable person.

Responsibilities

The primary responsibility and accountability for implementing this harassment policy rests with the Kentucky Community and Technical College System President. The President provides direction to subordinates as necessary to carry out all actions required to comply with the System's harassment policy. This responsibility has been delegated to the Executive Director of Human Resources and the Director of Diversity Programs.

Responsibilities of Executive Director of Human Resources and Director of Diversity Programs

- Provide specialized advice and counseling to supervisors and employees for the purpose of resolving complaints informally.
- Director of Diversity Programs will serve as equal employment resource person.
- Investigate and obtain additional information of cases alleging sexual harassment.
- Monitor the procedures and disciplinary actions of all alleged cases to ensure that procedures are followed.
- KCTCS Staff Attorney and Director of Diversity Programs will provide training to faculty and staff at the colleges.

Kentucky Community and Technical College System
(Excerpt from Affirmative Action Plan)

Responsibilities of Supervisors

- Distribute and administer the policy to all personnel.
- Counsel employees to prevent and correct harassment.
- Prevent and correct promptly any identifiable harassment

Responsibilities of Employees

- Adhere to the policy.
- Report alleged harassment.
- Maintain a work environment free of harassment.

Reporting Harassment

Employees who believe they are victims of, or witnesses to, harassment are urged to report such incidents as soon as possible. Such behavior should be reported to:

- Your normal supervisory channels
- Your local Human Resources or EEO/Diversity Coordinator
- The KCTCS Human Resources department located in Lexington, KY (859) 246-3113
- Through the KCTCS Complaint Resolution Procedure that applies to you.

Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination of employment. KCTCS will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee making a good faith report of alleged harassment.

Additional Assistance

For additional information or assistance you may also contact:

The Kentucky Commission on Human Rights at 1-800-292-5566, or

The Equal Employment Opportunity Commission at 1-800-669-4000.

VOLUME I

SECTION I

(Administrative/Managerial)

Article XVIII

KENTUCKY STATE UNIVERSITY

**Student Rights
and
Responsibilities**

(Fall, 1996)

STUDENT RIGHTS AND RESPONSIBILITIES

Academic Rights and Responsibilities of Students

The Kentucky State University Board of Regents has adopted the following statements and commitments regarding the rights, freedoms and responsibilities of students.

Statement of the Board Of Regents

The Board of Regents of Kentucky State University recognizes that an essential Element of higher education is the freedom of intellectual inquiry and expression, for free inquiry and free-expression are indispensable to the attainment of the educational goals of Kentucky State University.

Access to Education

The Board of Regents is committed to the policy of freedom from discrimination. Kentucky State University is open to all students who qualify for admission, without regard to age, sex, race, color, creed, national origin, veteran status or handicap.

Freedom to Learn

The Board recognizes that the educative process can take place only under orderly conditions, and that all members of the academic community have an inescapable responsibility to create, maintain and respect general conditions conducive to the freedom to

learn and to the protection of life and property. This must be a responsibility shared by all segments of the academic community. While it is recognized that we can have order without freedom, we cannot have freedom without order.

Speech and Criticism

The Board of Regents recognizes the right of freedom of speech, including criticism, expression of grievances or petitions for redress of wrongs, so long as freedom of speech and assembly are exercised in a responsible, lawful and peaceful manner and do not interfere with the protected rights and freedoms of other citizens.

The Board supports and protects the rights of members of the University community to express fully and in responsible ways their views for or against actions and opinions with which they agree or disagree.

Participation in Institutional Governance

The Board encourages participation of members of the academic community in the responsibility of institutional government through membership on and participation in the decisions of University policy committees and councils.

However, the University recognizes that it is not always possible for students to resolve a problem by direct discussions with the University employee. In these cases, the options available to students include making an informal complaint to the employee's immediate supervisor and/or filing a formal

written complaint in accordance with existing University policies.

Informal Complaints: In many cases, it is possible to resolve a complaint by an informal verbal discussion with the employee's immediate supervisor {chairperson, dean, or head of a staff department) .Students who make informal complaints do so by talking to the immediate supervisor. Students who make informal complaints need to realize that the supervisor will handle the complaint however he or she sees fit and that the student making the complaint may never know what action is taken regarding the complaint. Despite this fact, informal complaints often result in conversations between the supervisor and the affected employee to determine possible corrective actions.

Formal Complaints and Grievances: Students who wish to go beyond the formal complaint stage must be willing to make complaints or file grievances in writing. These formal written complaints and grievances start a "due process" procedure which ensures that the formal complaint or grievance is taken seriously, investigated thoroughly by appropriate parties, and resolved after the investigation. All parties involved in the formal complaint/grievance process are notified of various actions in writing. Exactly what type of process is involved depends on the nature of the written complaint made.

Formal complaints or grievances made by students fall into four categories. The exact procedures for each type of formal complaint or grievance are available in the Office of Student Affairs. Certain deadlines apply for each type of complaint or grievance. The four

types of formal complaints or grievances are as follows:

1. Grade Appeals: A student who believes he/she has been graded 'unfairly may file a formal grade appeal. The appeal must be filed by the end of the third full week of classes of the semester following the receipt of the final course grade. Decisions made through this grade appeal process relate only to the final course grade given, i.e. the course grade will be changed if the finding is that the grade was assigned unfairly.
2. Grievances against a faculty member or academic administrator with faculty status: A student who believes a faculty member or academic administrator has acted unprofessionally may file a formal grievance by following the Faculty Grievance Policy.
3. Grievances against a staff member or administrator who does not possess faculty status: A student who believes a staff member or administrator has acted unprofessionally may file a formal grievance against staff and non-faculty administrators by following the Staff Grievance Policy.
4. Sexual Harassment: Any charge of sexual harassment by any University employee (faculty, staff, or administrator) is governed by the Sexual Harassment Policy.

Copies of the above policies are available from the Office of Student Affairs. If a student has questions about these procedures, he or she should ask to see the Vice President for Student Affairs to go through the procedures and for further advice.

VOLUME II

SECTION III

(Operations)

Article XVIII

Sexual Harassment Policy

KENTUCKY STATE UNIVERSITY
POLICY AND PROCEDURES RELATED TO SEXUAL HARASSMENT

A. University Policy

Kentucky State University does not tolerate sexual harassment of students, faculty, and staff members and responds to every complaint, providing proper remediation when harassment is determined. Complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirement.

This policy is in keeping with the University's commitment to the principle of equal educational and occupational opportunities for all persons and to positive action towards the elimination of discrimination in all phases of the University life.

B. Definition

The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as unwanted sexual behavior, such as physical contact or verbal comments or suggestions of a sexual nature, which adversely affects the working or learning environment of an individual. Some instances of when unwelcomed sexual behavior will constitute sexual harassment are where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individuals;
3. Such conduct substantially interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment; or
4. Such conduct, actions, or statements are contrary to generally acceptable standards of behavior or professionalism.

C. Applicability

Students, faculty, and staff members have the right to raise the issue of harassment, and are protected by the Policy Manual, Student K-Book, and the Personnel Manual, whichever applicable. Sexual harassment can be a grievance action having serious and far

reaching effects on the career and lives of individuals. False accusations can have a similar impact. Thus the charge of sexual harassment is not to be taken lightly by a charging party, a respondent, or any other member of the University community.

Prompt reporting is strongly urged, as it is often difficult to trace facts of an incident or incidents long after they have occurred. Ordinarily, complaints must be brought to the attention of an investigative officer within ninety (90) days of the incident or incidents.

Prevention is the best tool for the elimination of sexual harassment. Each dean, director, department and division chairperson, and/or administrative officer is responsible within his/her area or jurisdiction for the implementation, dissemination, and explanation of this policy. A permanent, written record of the formal complaint process and its outcome is to be retained by the respective Vice President, as line of authority indicates. It is the obligation of each student, faculty, and staff member of the University to adhere to this policy.

D. Complaint Procedures

Students, faculty, and staff members who believe they have been sexually harassed in violation of University policy should contact the Vice President (i.e. the Vice President for Academic Affairs, the Vice President for Finance and Administration, or the Director for Institutional Advancement) who has authority over the respondent. Throughout the complaint process, every effort will be made to protect the charging party from reprisals and to protect the respondent from irresponsible complaints. The penalties for sexual harassment depend on the nature of the offense. Sanctions may range from reprimand to dismissal. Because of the sensitive and discriminatory nature of charges of sexual harassment, complaint procedures will be guided by the following principles:

1. Efforts will be made to restrict access to the investigative and grievance procedures to the charging party, the respondent, and those immediate persons involved in processing the matter.
2. The General Counsel shall serve as a resource with regards to interpretation of sexual harassment guidelines. That office will advise and consult with either or both parties to the complaint.
3. In the event of a complaint, the respective Vice President, as line of authority indicates, will conduct and/or ascertain that proper investigation and grievance procedures are followed.

4. The respective vice President will prepare a report detailing findings of fact and conclusions therefrom. A draft of the report will be circulated to the charging party and the respondent in order to permit them the opportunity to respond before a final report is made. The final report, presenting in summary the findings and determination, will be kept by the respective Vice President and a copy of the final report will be sent to the charging party, respondent, and President of the University.
5. Investigations will be conducted as quickly as possible and results will be reported to both parties involved.
6. In the event that a complaint is found valid, action will be taken through appropriate channels of the University to rectify the situation and to ensure that such incidents do not occur in the future. University grievance channels for appeal will be open to either the charging party or the respondent.

April 24, 1986

VOLUME I

SECTION I

(Administrative/Managerial)

Article XIV

Affirmative Action Plan

KENTUCKY STATE UNIVERSITY
AFFIRMATIVE ACTION PLAN FOR EQUAL OPPORTUNITY

I. EQUAL OPPORTUNITY POLICY

It is the policy of Kentucky State University to provide employment opportunities to all persons regardless of age, race color, creed, sex, religion, handicap or Vietnam-ERA Veteran Status. To ensure equal employment opportunity, the university will recruit, hire, and promote on the basis of education, training, experience, skill, and need. Administration of salaries, benefits, rights, privileges, and working conditions for University employees shall be without regard to age, race, color, creed, sex, religion, handicap or Vietnam-ERA Veteran Status.

In addition, while it is the policy to apply job related standards appropriate to each job or position and to maintain such standards at a level consistent with the healthy growth of the University, it is also the policy to take affirmative action to seek out individuals at any level of the organization whose potential has not been fully utilized, with the objective of assisting them to reach their full potential and meet job standards.

Limitations

1. Discrimination in favor of any employee or applicant for employment on a racial, religious or other basis to the detriment of the employment opportunities of any other qualified employee or applicant is prohibited.
2. The lowering of job requirements or performance standards for the purpose of favoring any employee or applicant on the basis of his or her race, color, religion, sex, age or national origin is prohibited.

II. DISSEMINATION OF POLICY

The University's Equal Opportunity Policy Statement will be distributed to all members of the University. Copies will also be provided to new hires at orientation sessions and posted on prominent bulletin boards throughout the University. Semiannually, it will be published in university communications (i.e., KSU Around & About and the student newspaper). It will also be published in the University Personnel Manual.

In the local community, it will be provided to employment agencies, educational institutions, local government and Chamber of Commerce officials, community action groups,

July 1, 1984

ministerial association(s) and minority and women's organizations.

Recruiting advertisements shall state that the University is an Equal Opportunity/Affirmative Action Employer.

The Director of Personnel will assure compliance with this section.

III. ASSIGNMENT OF RESPONSIBILITY

- A. The Ultimate responsibility for civil rights compliance rests with the President as Chief Executive Officer of the University. Responsibility and authority for administration of the University Equal opportunity Policy has been delegated to the Affirmative Action Officer (Personnel Director). To assist the Affirmative Action Officer, the Vice President for Finance and Administration, Vice President for Student Affairs, Director for Institutional Advancement, Director of Policy and Management and the vice President for Academic Affairs shall be responsible for insuring that the University Equal opportunity Policy is carried out within their respective administrative staff, and non-academic employees.
- B. The University General Counsel shall be responsible for the legal aspects of the program.
- C. The Deans, Department Heads, Chairpersons and Directors are designated as the responsible officials for the implementation and application of the Equal Opportunity Policy in their respective administrative areas. This responsibility shall include, but not be limited to, the following:
 - 1. To initiate the special effort necessary to recruit, appoint, retain and upgrade qualified women and minorities at all faculty and staff level.
 - 2. To expand the effort to increase admissions for minorities and women where they are under-represented in the undergraduate and graduate levels.
 - 3. To counsel Department Chairpersons that their personal attention to this matter is required in order to reach the objective of providing an atmosphere of non-discrimination and equal opportunity within the University community.
- D. It is the specific responsibility of all directors and supervisors to know and carry out the intent and spirit

of the University's Equal opportunity policy. Further, it is their responsibility to assure that all employees are in compliance with the policy. Performance evaluations of directors and supervisors will include a review of their achievements in equal opportunity matters.

- E. Any person associated with the University who fails to comply with the Equal opportunity Policy is acting contrary to this policy and is subject to disciplinary action for such failure.
- F. To increase awareness of the intent and scope of equal opportunity matters, academic and administrative officers of the University are asked to familiarize themselves with provisions of the laws and executive orders pertaining to equal rights and equal opportunity matters. Reference materials should include:
 - 1. The civil Rights Act of 1964, Title VI and Title VII as amended by the Equal Employment opportunity Act of 1972;
 - 2. Executive Order 11246 as amended by Executive Order 11356;
 - 3. HEW Guidelines for Higher Education, October 1972;
 - 4. Equal Employment opportunity Commission Guidelines on discrimination because of sex, as amended March 31, 1972;
 - 5. Equal Pay Act of 1963 as amended by the Higher Education Act of 1972;
 - 6. Title IX of the Higher Education Act of 1972; and
 - 7. Executive Order 11701 (Vietnam Veterans Hire Report).

IV. ADMINISTRATION OF THE PROGRAMS

- A. An Equal Opportunity Office (the Personnel Office) has been established by the President. The Affirmative Action Officer (Personnel Director) will be responsible for coordinating the administration of Equal Opportunity Programs throughout the University. His staff assignments include, but are not limited to the following:
 - 1. Developing additional affirmative action policies as needed.
 - 2. Identifying problem areas (under-utilization) by

departments or other organizational units and within job classifications.

3. Providing recommendations to the President and the responsible administrators, methods for remedial action.
4. Developing audit and/or reporting systems to acquire statistical information concerning the composition of the faculty, staff, and student body in order to:
 - a. Evaluate the effectiveness of the program.
 - b. Determine the degree to which the University's goals and other equal opportunity objectives have been attained with respect to faculty, staff, and students.
5. Monitoring records of personnel actions such as applicant flow, referral and hiring rate, placements, transfers, promotions, terminations and other pertinent statistical data to insure that the Equal opportunity Policy is being carried out. Monitor and evaluate recruiting efforts for new appointments to the faculty and staff.
6. Acting as a liaison between the University and enforcement agencies, minority and women's organizations and community groups concerned with equal opportunity programs and human resources.
7. Acting as an advisor to University officials on developments in the equal opportunity area and maintain a reference library on such matters.
8. Preparing an annual report concerning the compositions of the University workforce.

The Affirmative Action Officer shall have access to all University data, records, and reports that are required for the execution of his/her responsibilities. A representative of the Office of the vice President for Academic Affairs shall gather and analyze data relating to faculty and affirmative action and provide same to the University Affirmative Action Officer.

B. Affirmative Action Committee

The Committee shall consist of the Vice President for Finance and Administration or designee, CES/CRS Personnel Director, Director of Personnel, vice President for Student Affairs or designee and three faculty members and three staff members to be appointed by the President.

The Affirmative Action Officer shall serve as a member of the Affirmative Action committee. The Committee shall meet once each semester, or more often as circumstances warrant. Goals and objectives of the Committee are: 1) to assist the Affirmative Action Officer in the planning, development and implementation of stated programs; 2) to serve as a learning body when necessary and appropriate, and 3) to develop policies or programs needed to implement this policy.

v. AFFIRMATIVE ACTIONS IN SELECTED FUNCTIONAL AREA

University Facilities

Work areas, classroom and living areas, dining areas and recreational areas shall continue to be maintained on a nonsegregated basis. Off campus housing owned by the University will be administered on a nonsegregated basis. The Vice President for Finance and Administration will assure compliance with this section.

Official Functions

Official activities sponsored, financed and controlled by the University personnel and campus organizations, either on or off campus. Activities held off campus by campus based groups must not utilize facilities where discrimination is practiced.

Office of Personnel -Department Matters

The Director of Personnel shall be responsible for assuring that personnel policies are free of discriminatory matter. He/She shall be responsible for recommending and implementing, once approved, personnel practices and procedures for all employees.

Recruitment

The University shall continue to search actively for qualified minority and female applicants for employment in positions at all levels, but particularly for positions where they have previously been under-utilized.

Whenever a position opening is posted as a result of termination, transfer, or creation of a new position, current employees wishing to be considered for the position may complete and file an applications with the Office of Personnel in accordance with procedures set forth in the University Personnel Manual (Policy No. 10.0)

Staff

For staff employees, this policy shall be accomplished through regular contacts with community action organizations, minority

and women's groups in the local area, and all other potential sources.

Faculty

Recruiting of faculty is the "responsibility of the Vice President for Academic Affairs, with assistance from the Office of Personnel.

VI. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICIES FOR ACADEMIC PERSONS

- A. The Vice President for Academic Affairs shall oversee the implementation of the Equal opportunity policy in all aspects relating to academic personnel involved in teaching, research, and academic administration.
- B. The vice President of Academic Affairs, in cooperation with the Affirmative Action Officer and the Affirmative Action Committee, shall regularly review all departments of the University for patterns of inequity and discrimination in academic employment, promotion, and salary. They shall also coordinate the efforts of department chairpersons, deans, directors, and others responsible for academic appointments in implementing the Equal opportunity Policy and the Affirmative Action Plan.
- C. Chairpersons of academic departments, deans, directors and others responsible academic appointments shall be subject to a policy of full and equal opportunity for all persons without regard to race, creed, color, sex, age, handicap, /veteran status, national or ethnic origin. This shall apply to all faculty ranks and to non faculty academic and research appointments.

In particular, with respect to hiring:

- 1. Department Chairpersons, and others as appropriate, are charged to solicit application for all openings as widely and openly as possible, explicitly stating in all announcements and correspondence that Kentucky State University is an Equal Opportunity Employer and that it seeks application from men and women of all races, religions, national and ethnic origins, veterans and the handicapped. Applicants should be solicited from sources to produce high percentages of women and minority candidates. Assistance should also be sought from professional women's and minority groups, and from individuals having wide professional contacts with women and minority candidates. The Equal Opportunity Office shall provide lists of organizations maintaining listings of qualified women and members of minority groups

various disciplines.

2. Screening of applicants and selection of applicants for further consideration, interview, and campus visitation shall be conducted without prejudice with regard to race, creed, color, sex, age, national or ethnic origin, handicap or veteran status.
3. Recommendations for appointment, initial rank, salary, and other conditions of appointment, shall be made without regard to race, creed, color, sex, age, national or ethnic origin, handicap or veteran status. A statement of the objective criteria used as basis for preferring one applicant over another shall be recorded.
4. Records of all correspondence and actions in the appointment process shall be kept by the department chairperson, director, or other as appropriate, who shall make a summary report annually to the vice President for Academic Affairs.
5. Departments which show serious under-utilization of a particular type of personnel will be required to submit, prior to any offer of appointment, a complete list of candidates, indicating which candidates are women and/or minorities, candidates for the position, and the reasons why one or more candidates is preferred over others.

D. Further, with respect to conditions of employment:

1. Actions with respect to rank, salary, sabbatical and other leaves with or without compensation, promotion, tenure, extension, or termination of appointment shall conform to policy of equal treatment without regard to race, creed, sex, color, age, national or ethnic origin, handicap or veteran status. Leaves for childbearing or child rearing shall not result in loss of status rank, or years of service creditable toward promotion or tenure.

Department Chairpersons shall communicate fully and clearly to all appointees the terms and conditions of appointment, and the criteria and standards of performance which will be used to evaluate the professional activities of appointees since the terms, conditions and standards will be of continuing importance in relation to promotion, salary increments, extension of appointment, and granting of tenure, it is essential that the terms, conditions, and standards should be clearly and

uniformly understood and applied criteria should be developed, recorded, and made available to ensure uniform application.

2. Full and accurate records of all personnel actions relating to academic personnel shall be maintained by the Vice President for Academic Affairs. These records will be made available to authorized officials.
- E. The vice President for Academic Affairs, in cooperation with the Equal opportunity Office, shall be responsible for determining guidelines, goals, and procedures of affirmative action in the employment of women and members of minority groups in academic positions.

The present Affirmative Action Plan sets goals for the five-year period beginning 1981. The vice President for Academic Affairs shall report to the faculty on progress toward attaining these goals, and shall announce any modification in goals or procedures.

VII. GOALS FOR RECRUITMENT OF WOMEN AND MINORITY FACULTY OF STAFF MEMBERS

Goals for recruitment are understood as targets for good faith efforts over a period of five years. Goals are expressed in terms of additions, not in terms of the resulting composition of personnel stating goals in terms of personnel addition allows the University to be responsive to production rates: to easily monitor progress as a function of the ongoing appointment process: and to act with reasonable flexibility under varying conditions and priorities of individual development.

If national production rates or local attrition rates range significantly, the affirmative action plan can be modified quickly to reflect "these crucial factors. Therefore, goals are directly tied to the number of recruiting opportunities which result from the normal processes of faculty/staff development and attrition and to levels which are possible to achieve through non-discriminatory, non-preferential hiring practices consistent with the provisions set out.

Selection and Promotion

Staff

Selection and promotion procedures for staff positions normally occur at the department level. These procedures will be reviewed by the Director of Personnel on a scheduled basis to ensure that current practices do not discriminate against any applicant. All positions will be open to qualified individuals of either sex. Position descriptions for each

position will be made available to those who make the hiring decision. Position descriptions will be reviewed at least annually to assure that they are accurate in content and free of requirements that are discriminatory.

Recognizing the importance of promotion to the efficiency and morale of individuals, it is the policy of the university to promote from within whenever possible. See the Personnel Manual for details. The Office of Personnel will assist in locating employees with requisite training, skill and experience that qualify individuals for promotion or transfer to a position better utilizing their skills.

Faculty

Selection and promotion procedures are found in the University's Policy on Appointment, Rank, Tenure and Promotion.

Leave of Absence

Leaves of absence will be administered on a non-discriminatory basis. Such leave include those necessitated by pregnancy, military service, personal illness in excess of accrued sick leave, etc. Maternity leave will be treated as any other illness. Accrued sick leave shall be taken before the employee is placed on unpaid leave of absence and an employee returning from maternity leave will normally return to his/her former position.

VIII. GRIEVANCE PROCEDURES

With the firm belief that differences which may occur between employees and managers, when recognized and aired, can be resolved within the University, an employee who believes that he or she has received unfair treatment has the right to file a complaint. The filing of such a complaint will in no way adversely effect the employee's treatment on the job.

To provide for the prompt and equitable hearing of employee grievances and/or concerns, concerning work related matters as well as discriminatory matters, informal as well as formal procedures have been established. (See Personnel Manual, Policy No. 6.0)

Responsibility for maintaining viable grievance procedures is assigned to the Director of Personnel and Vice President of Academic Affairs for faculty and to the Director of Personnel and Vice President of Finance and Administration for staff employees.

The informal as well as formal grievance procedures will be published and given wide distribution within the University community. The subject shall be made part of employee

MOREHEAD STATE UNIVERSITY

Policy: PG-5

Subject

Affirmative Action/Equal Opportunity for Employment

Approval Date: 07/01/85

Revision Date: 03/07/94

PURPOSE:

To specify terms and conditions under which the University's policy of equal employment opportunity and affirmative action shall be implemented and to identify responsibility and accountability for actions, in support of a positive program that meets legal and moral commitments to affirmative action.

POLICY:

The policy of Morehead State University is to provide equal opportunity and affirmative action in all University programs, activities, facilities, and employment practices for all persons without regard for race, color, disability, religion, sex, age, national origin, marital, familial or Vietnam Era veteran status.

Morehead State University is committed to the premise that it is a societal as well as an institutional obligation to respect human dignity and to epitomize the principles that all persons are entitled to equal treatment under the law. Morehead State also recognizes that equal opportunity is a fundamental goal in a democratic society, and we share responsibility for achieving equality which will ultimately provide for the advancement of society.

Because of these tenets, it is the policy of Morehead State University that, affirmative action will be taken to recruit, identify, encourage and employ within reasonable time periods, representatives of under utilized groups, specifically but not limited to minorities, women, and persons with disabilities. The University has been encouraged by the Department of Education, Office of Civil Rights to specifically take positive and constructive efforts to identify, encourage and employ African-American individuals. Therefore, positive efforts must be aggressively undertaken to fulfill our goals. Morehead State University's desire is to overcome any effects of past discrimination, whether overt or from unconscious, systematic exclusion of protected class persons in any of our positions or programs.

It is the University's intention to achieve a representation of minorities, women, and disabled persons in each major job classification, which reflects current availability. Our Affirmative Action Plan is aimed at reducing any under-utilization of members of protected classes.

In addition, Morehead State University is dedicated to the principle that all benefits and opportunities afforded by the institution shall be accorded students,

based upon individual merit, accomplishment, and need, and that the promotion of nondiscrimination in every phase of the University's operation is required.

Morehead State University expects its suppliers and contractors to ensure maximum opportunity for the participation of disabled persons, minorities, and women. Each contractor is expected to follow an affirmative action program that is in accordance with federal and state regulations.

Finally, the University is committed to taking affirmative steps to remove barriers and discriminatory practices and to ensure that we not only comply with the letter of the law but the intent of both affirmative action and equal opportunity.

ADMINISTRATION OF THE POLICY:

The Board of Regents authorizes the President to administer this policy by developing and implementing plans and procedures which will support affirmative action and equal opportunity.

LEADERSHIP/ GUIDANCE:

The Affirmative Action Officer, in conjunction with the Affirmative Action Committee, shall provide leadership and guidance to units in the conduct of their programs affecting all faculty, staff and applicants for employment. The Affirmative Action Officer shall review and evaluate unit program operations periodically, obtain such reports as deemed necessary, and report as appropriate, on overall progress. The Affirmative Action Officer will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving and realizing the University's program and objectives.

AFFIRMATIVE ACTION COMMITTEE:

The Morehead State University Affirmative Action Committee is appointed by the President from Senate, the Staff Congress, and the Student Government Association. The President designates the chair. The Committee shall consist of:

The Affirmative Action Officer,
The Minority Student Affairs Director,
Two faculty members,
Four staff members (at least two of whom shall
be from executive/managerial or professional nonfaculty
categories) and
Two students.

Representatives from the faculty, staff, and students shall be at least 50 percent female. At least two members shall come from other protected classes.

A chair will be appointed by the President from the membership or as an additional member. The chair shall vote only in the case of a tie.

The Affirmative Action Committee shall be composed of individuals from culturally diverse backgrounds. A major effort will be made to establish a fair

representation of minority & particularly African-American individuals on the Committee. The Committee shall meet at least once quarterly and may conduct special meetings with minorities, women, disabled, foreign nationals, and others when appropriate. The Committee is charged with:

- A. Reviewing and fact-finding when necessary:
 - 1. Reports on recruitment, appointments, promotion, transfer, demotions, tenure, transfer, and termination;
 - 2. Proposed changes in University policies and procedures recommended by deans, directors, department chairs, unit heads, women, minorities, Vietnam Era veterans, employee organizations, and others;
 - 3. Proposed changes in the Affirmative Action Plan;
 - 4. Compliance with audits conducted by federal and state agencies;
and
 - 5. The summaries of annual reports generated on recruitment, appointment, promotion, tenure, transfer, and termination.
- B. Advises the Affirmative Action Officer on sensitive subjects and procedures.
- C. Makes recommendations to the Affirmative Action Officer for programs to effectuate purpose(s) of affirmative action and equal employment opportunity.
- D. Acts as a review board on affirmative action, and equal employment opportunity policy violations submitted for disposition; where recommendations will be made to the President, or a complaint of discrimination has been lodged and has not been informally resolved.
- E. Assists the Affirmative Action Officer in developing approaches and efforts in the recruitment and hiring of minorities, women, and disabled candidates.

Names and addresses of the Committee members are available in the Office of Human Resources and the Office of the President.

RESOLUTION OF COMPLAINTS:

The University shall provide for the prompt, fair, and impartial consideration of all grievances of alleged discrimination in violation of this policy. Each employing unit shall provide access to counseling for employees and/or students who feel aggrieved and shall encourage the resolution of such issues on an informal basis.

Grievances frequently are founded in simple misconceptions or misunderstandings. It is believed to be in the best interest of the University and the grievant for differences to be resolved informally-- if informal hierarchial resolution is not possible then the following applies:

FORMAL
PROCEDURE:

The grievant is to contact the University Affirmative Action Officer for a meeting as soon as practicable. The Affirmative Action Officer is to be sensitive to the fact that the meeting may need to take place after normal working hours so as to prevent disclosure to a supervisor or others. The Affirmative Action Officer will listen attentively to the grievant in order to fully understand the grievance, after which, the Affirmative Action Officer will offer his or her services in informal resolution. Normally, this informal procedure will not exceed five working days unless the parties mutually agree to an extension of this time period.

First Step

The grievant shall direct his/her grievance regarding the alleged discriminatory act(s) by preparing a written explanation of his/her grievance and the relief sought to the Affirmative Action Officer (AAO). The Affirmative Action Officer may schedule a meeting with the grievant for the purpose of gathering information. The AAO will conduct a thorough investigation within seven (7) working days of receipt of the written grievance.

Within fourteen (14) working days following receipt of the written grievance, a meeting will be held by the AAO with the grievant and others who may be of assistance in resolving the grievance in the best interests of all concerned.

Within three (3) working days following this grievance meeting, the AAO will prepare written findings which will be delivered to the grievant or sent by certified mail, return receipt, to the grievant's address of record. Copies of the AAO's findings will also be provided to individuals on a need to know basis. The AAO shall make such recommendations in writing as is believed warranted by the results of his/her investigation and meetings regarding each written issue. If the grievant prevails the defendant may appeal to the appropriate Vice President. If no appeal is forwarded by the defendant within 5 working days after receipt of the Affirmative Action findings, the issue is resolved, as specified.

Second Step

The aggrieved party may appeal the First Step answer by serving a written statement of appeal to the AAO within ten (10) working days after delivery of the AAO's findings and written recommendations to the grievant. Within seven (7)

working days after receipt of the written appeal, an Affirmative Action Grievance Review Board will be selected by the AAO. The board shall be composed of an African-American member, a female member, and a male member. The grievant may select one person from the standing Affirmative Action Committee; the Affirmative Action Officer may select one person from the standing Affirmative Action Committee, and the grievant and the AAO together will select the third individual. In cases where a student is involved, a student member will serve on the Review Board. The Affirmative Action Committee chair will designate the Review Board Chair.

The responsibilities of the Affirmative Action Grievance Review Board will include, but not be limited to:

1. A review of all documents received or prepared as the grievance was processed through the First Step.
2. The Affirmative Action Review Board Chair will schedule a hearing to be held, not later than fifteen working days after the appointment of the entire Board, designating the time, place, and date for the hearing.
3. The Review Board Chair will notify both the AAO and the parties of the time, place, and date of the hearing, including the right of representation. Nothing contained herein shall be construed to require the representative to be an attorney. If the defendant/grievant desires to be represented at the hearing, he/she will give notice of that intention and by whom in writing to the Grievance Review Board and the AAO not less than six (6) working days prior to the hearing date.
4. All hearings will be conducted by the Review Board. The proceedings will be tape-recorded, and if requested by a majority of the Grievance Review Board, a typed transcript will be prepared.

The Affirmative Action Officer will set forth the basis for his/her findings and recommendation(s) on the grievance. The parties, or their representative, shall have the opportunity to respond to the findings and recommendations of the Affirmative Action Officer.

The Grievance Review Board has the option of going into closed session to weigh the record and evidence and to formulate its findings and recommendations to the President of the University.

5. The Affirmative Action Grievance Review Board shall make its findings and recommendations to the President within five (5) working days following the hearing.

The President will render a decision within ten (10) working days after receiving the Grievance Review Board's findings and recommendations. Written notification of the President's decision will be hand delivered to the parties or delivered by certified mail, return receipt, to the address of record.

The President's decision will be the final step of the grievance procedure. Under legally prescribed instances (tenured faculty member being terminated) an appeal may be forwarded to the Board of Regents.

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 - 3. Proposed changes in the Affirmative Action Plan;
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working days after receipt of the written appeal, an Affirmative Action Grievance Review Board will be selected by the AAO. The board shall be composed of an African-American member, a female member, and a male member. The grievant may select one person from the standing Affirmative Action Committee; the Affirmative Action Officer may select one person from the standing Affirmative Action Committee, and the grievant and the AAO together will select the third individual. In cases where a student is involved, a student member will serve on the Review Board. The Affirmative Action Committee chair will designate the Review Board Chair.

The responsibilities of the Affirmative Action Grievance Review Board will include, but not be limited to:

1. A review of all documents received or prepared as the grievance was processed through the First Step.
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3. The Review Board Chair will notify both the AAO and the parties of the time, place, and date of the hearing, including the right of representation. Nothing contained herein shall be construed to require the representative to be an attorney. If the defendant/grievant desires to be represented at the hearing, he/she will give notice of that intention and by whom in writing to the Grievance Review Board and the AAO not less than six (6) working days prior to the hearing date.
4. All hearings will be conducted by the Review Board. The proceedings will be tape-recorded, and if requested by a majority of the Grievance Review Board, a typed transcript will be prepared.

The Affirmative Action Officer will set forth the basis for his/her findings and recommendation(s) on the grievance. The parties, or their representative, shall have the opportunity to respond to the findings and recommendations of the Affirmative Action Officer.

The Grievance Review Board has the option of going into closed session to weigh the record and evidence and to formulate its findings and recommendations to the President of the University.

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The President will render a decision within ten (10) working days after receiving the Grievance Review Board's findings and recommendations. Written notification of the President's decision will be hand delivered to the parties or delivered by certified mail, return receipt, to the address of record.

The President's decision will be the final step of the grievance procedure. Under legally prescribed instances (tenured faculty member being terminated) an appeal may be forwarded to the Board of Regents.

Murray State University Racial Harassment Policy

It is the policy of Murray State University to conduct and provide programs, activities and services to students, faculty and staff in an atmosphere free from racial harassment. Racial harassment is any behavior that would verbally or physically threaten, torment, badger, heckle or persecute an individual because of his/her race. Isolated instances of misconduct, although never condoned, do not necessarily constitute racial harassment, nor a hostile environment. Racial harassment of university faculty, staff, students or visitors is prohibited and shall subject the offender to appropriate disciplinary action ranging from disciplinary warning to expulsion.

The administration has an open-door policy for any student who feels he or she has been subjected to racial harassment or discrimination. Students are urged to contact the Office of Student Affairs, Ordway Hall, in the event that racial harassment arises outside of the employment setting. All others should contact the Office of Equal Opportunity, Wells Hall.

Source: MSU Student Life Handbook – 2001-2002

Official Policy on Combating Sexual Harassment

It is the policy of Murray State University to maintain the university community as a place of work and study for faculty, staff and students, free from sexual harassment and all forms of sexual intimidation and exploitation. All faculty, staff and students should be aware that the university is concerned and prepared to take action to prevent and correct such behavior, and that individuals who engage in such behavior are subject to discipline.

Behaviors which constitute sexual harassment can be classified in three categories: (1) repeated and unwanted sexual behavior involving physical contact; (2) verbal comments or suggestions of a sexual nature which adversely affect the working or learning environment; (3) coercive behavior, including suggestions that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors. These constitute gross misconduct and will not be tolerated. In such cases, a single incident would establish grounds for action.

Misconduct involving students in a non-employment setting is governed by the University Codes of Conduct, and complaints about such behavior should be referred to the Office of Student Affairs. Anyone who is subject to offensive sexual behavior in the employment setting is encouraged to pursue the matter through the Office of Equal Opportunity.

For additional policies, procedures and information, faculty, staff and students are advised to consult all official university publications, such as the *Faculty Handbook*, *Personnel Policies and Procedures Manual*, *Student Handbook*, and the university bulletins.

Racial Harassment

It is the policy of Murray State University to conduct and provide programs, activities and services to students, faculty and staff in an atmosphere free from racial harassment. Racial harassment is any behavior that would verbally or physically threaten, torment, badger, heckle or persecute an individual because of his/her race. Isolated instances of misconduct, although never condoned, do not necessarily constitute racial harassment, nor a hostile environment.

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Statement of Affirmative Action and Equal Opportunity

Murray State University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or marital status in admission to educational programs and activities, or employment practices in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (revised 1992), Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990. For more information contact Annazette Fields, Director of Equal Opportunity, Murray State University, 319 Wells Hall, Murray, KY 42071-3318; phone (270) 762-3155.

For additional policies, procedures and information, faculty, staff and students are advised to consult all official university publications, such as the *Faculty Handbook*, *Personnel Policies and Procedures Manual*, *Student Handbook*, and the university bulletins.

University Policy on Campus Solicitation

Murray State University has the duty and responsibility to maintain a safe and healthy environment conducive to its principal mission of education. At the same time, the university recognizes and respects the constitutional protection of free speech as well as the individual student's right to privacy. Accordingly, the university hereby adopts this solicitation policy for the purpose of establishing reasonable time, place, and manner restrictions on and around campus solicitation.

Even within areas open to solicitation, this contact may not substantially disrupt or materially (or significantly) interfere with the educational, administrative, or operational activities of the university. Commercial speech which is false, fraudulent or misrepresentative is not permitted. Everts which are in violation of local, state or federal law, or rules, regulations, and guidelines of the university are prohibited.

Any outside organization or individual wishing to come on campus for the purpose of solicitation must be sponsored by a registered MSU organization or university department. After obtaining sponsorship, the outside organization or individual must follow the proper procedures as stated in the *Student Life Handbook* and other relevant publications.

Solicitation in or around campus residences requires permission from the housing office and is governed by regulations published by the housing office which are located in the *Student Life Handbook* (see solicitation under policies on page 42). Solicitation in the residence halls is not permitted on a door-to-door basis.

- Solicitation in or around the Curris Center is controlled by and requires advance permission from the director of the Curris Center.
- Solicitation at or around athletic events is normally prohibited. If an exception to this general policy is to be made, it must be made by the director of intercollegiate athletics.
- Solicitation inside or around any campus building must be approved by the coordinator for that facility.
- There will be no solicitation during Summer Orientation.

Questions regarding the distribution of published materials on university property should be directed to the Office of Student Affairs, 752-6831.

Policy on Non-University Speakers

Murray State University is committed to the concept that a university should encourage the free flow of ideas on all subjects, including controversial issues, and that all ideas should be subjected to objective, critical analysis. Therefore, any registered student organi-

zation, academic department or administrative unit in which students are included may invite speakers of its choice to speak on campus. (See policy on "Guidelines for Use of University Facilities.") In addition, the sponsoring organization must see to it that the campus facility it uses for such an event is properly cared for and that at the conclusion of the event the facility is returned to its pre-use condition.

The university shall not adopt any practice or policy which would result in censorship, except in the rare instance, in accordance with recent judicial interpretation, in which speaker's advocacy of a course of action would present a "clear and present danger" to the normal functioning of the university.

Under no circumstances shall a speaker's viewpoint be presented or advertised as being the viewpoint of Murray State University.

Policy On Disruptive Activities

Murray State University guarantees the right of free discussion and expression, peaceful demonstration, the right to petition, and peaceful assembly. It is equally clear, however, that interference, coercion, or disruption cannot be tolerated in a community of learning. Hence, students who engage in acts which impair or interfere with the university's missions, processes, or functions, or who impair or interfere with the rights of others as outlined in the Statement on Student Rights shall be disciplined forthwith.

If individuals are participating in actions which interfere with the normal process of the institution, the president or his delegate will inform them that their conduct is illicit and/or unacceptable and they will be requested to cease such activity at once. If the individuals fail to heed the official request, one or more of the following courses of action may be taken:

- Bring prompt disciplinary action against the individual(s).
- Impose interim suspension on the individual(s), provided a hearing before the University Appeals Board is granted within five (5) working days.
- Make application to the courts for injunctive relief.
- Request assistance from outside law enforcement agencies.



Murray State University
Non-Discrimination Policy Statement

Murray State University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or marital status in admission to educational programs and activities, or employment practices in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (revised 1992), Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990. For more information contact Annazette Fields, Director of Equal Opportunity, Murray State University, 103 Wells Hall, Murray, KY 42071-3318; Telephone (270) 762-3155; TDD (270) 762-3361.

Murray State University is an equal education and employment opportunity, M/F/D, AA employer.

Northern Kentucky University's Racial Harassment Policy

While the university's policy does not have a separate policy on racial harassment, as a form of racial discrimination, racial harassment is clearly prohibited by the institution's Equal Opportunity Policy, attached (Student Handbook 2000-2001, pg. 14). The hearing procedures for reporting and resolving such treatment are delineated in the Appeal of Academic Matters and the Appeal of Non-Classroom Matters, also attached (Student Handbook , Section 7.1 and 7.3).

K:/CEOInfoRequests/ racialharassmentpolicy 3.21.02.wpd

EQUAL OPPORTUNITY POLICY

It is the policy of Northern Kentucky University not to discriminate in its educational programs, admission policies, financial aid, or other school-administered programs on the basis of race, color, age, religion, national origin, sex, sexual orientation, physical or mental disabilities, or status as a disabled veteran or veteran of the Vietnam Era. Further, upon request, the University will provide reasonable accommodations to individuals with disabilities to ensure their equal access to the programs and activities of the University. This policy complies with or exceeds state and federal guidelines and is enforced in the interest of educational excellence. Student inquiries may be directed to the Office of the Dean of Students or to the Director of Affirmative Action and Multicultural Affairs, Northern Kentucky University, 723 Lucas Administrative Center, Highland Heights, Kentucky 41099-8013; or phone (859) 572-6590, TDD (859) 572-6950.

Code of Student Rights and Responsib

Table of Contents

1. Preamble

2. University Statement Asserting Respect for Human Diversity

3. Freedom of Access to the University

- 3.1 Illegal Discrimination
- 3.2 Sexual Harassment

4. The Classroom

- 4.1 Freedom of Expression
- 4.2 Student Evaluation of the Professor
- 4.3 What the Professor May Expect of the Student
- 4.4 Class Attendance

5. University Disciplinary Action

- 5.1 University Authority and Civil Power

6. Disciplinary Regulations and Violations of Law

- 6.1 Harassment
- 6.2 Status of Students Pending Final Action in Legal or Institutional Proceed
- 6.3 Prohibited Conduct

7. Hearing Procedures

- 7.1 Appeal of Academic Matters
- 7.2 Cheating and Plagiarism
- 7.3 Appeal of Non-Classroom Matters

8. Breach of Student Code/University Regulations Not Covered in "Appeal of Clas Matters," "Appeal of Non-Classroom Matters," or "Cheating and Plagiarism."

9. Residence Hall Judicial Procedures

- 9.1 Disciplinary Conference
- 9.2 Informal Hearing
- 9.3 Formal Hearing
- 9.4 Residence Life Sanction
- 9.5 Conduct Codes

10. Appeal of Discrimination Complaints

11. Sexual Harassment Policy and Procedure

- 11.1 Definition of Sexual Harassment
- 11.2 Procedure For Reporting Sexual Harassment
 - A. Informal Process
 - B. Formal Process
 - C. The Appeal Process
- 11.3 Residual Rights and Procedural Comments

12. Residual Rights and Procedural Comments

13. Student Records

- 13.1 Right to Inspect Records

14. Student Participation in University Affairs

- 14.1 Academic Programs
- 14.2 Other Institutional Affairs
- 14.3 Student Government
- 14.4 Professional, Political, Religious, and Social Organizations

15. Student Media

16. Summary

Back to Dean of Student's Home Page

1. Preamble

Many of the important principles of a free and rational society are embodied in United States Bill of Rights, which became part of the Constitution of the United States as the first ten amendments, on December 15, 1791. Among the significant rights guaranteed by the bill are the freedoms of speech and press, the right of peaceful assembly, the right to freedom of conscience, the right to freedom of harassment, the right to petition for redress of grievances, and the right to a fair and speedy hearing.

Because of the necessity to maintain this atmosphere, bigotry will not go unchallenged within this community. We will educate each other on the existence and effects of racism, sexism, ageism, homophobia, religious intolerance, and other forms of invidious prejudice. When such prejudice results in harassment, intimidation, or violence against persons or property, we will not tolerate such behavior.

All who work, live, study, and teach in the Northern Kentucky University community should be committed to these principles which are an integral part of Northern Kentucky University's focus, goals, and mission.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

3. FREEDOM OF ACCESS TO THE UNIVERSITY

The admissions policy of the University is stated in the University Catalog. Under certain circumstances, students are barred from admission to NKU on the basis of race, sex, religion, age, national origin or disability. Entrance into the University, however, does not guarantee acceptance into specialized programs or courses that may have additional entrance requirements.

Students seeking admission to NKU graduate programs or the graduate programs at other universities on the NKU campus must meet the specific admission requirements of those programs as stated in graduate bulletins, the University Catalog, or other official publications of the institution.

Individual programs may have student handbooks that detail policies and procedures specific to those particular programs.

3.1 Illegal Discrimination

The University will not engage in illegal discrimination against any student on the basis of race, color, sex, religion, age, national origin, or disability.

3.2 Sexual Harassment

Sexual harassment by any member of the University community is a form of sexual discrimination. Sexual harassment is any unwelcome sexual advance, any request for sexual favor and any other verbal or physical conduct of a sexual nature when submission is explicitly or implicitly a basis for classroom or student evaluation, or when such conduct has the purpose or effect of unreasonably interfering with the

student's performance or created an intimidating, hostile or offensive education environment. The Sexual Harassment Policy is contained in Section VI.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

4. THE CLASSROOM

The professor is primarily responsible for determining course content, choice of reading materials, and type and size of written and oral assignments. This information should be provided in a course syllabus. The syllabus should be given to students within the first two class meetings of the academic term. Evaluation of academic achievement of students in a course is the responsibility of the professor. If class participation is a grading factor, then the syllabus should define what class participation means and how it is evaluated. In order to maintain an atmosphere conducive to learning, the professor may take disciplinary measures judged appropriate to protect the learning environment.

4.1 Freedom of Expression

The professor has an obligation to encourage free discussion, inquiry, and expression. He/she may not evaluate student performance based on opinions (such as religious belief or political views) or conduct in matters unrelated to academic standards. If students feel that their performance has not been judged on solely academic grounds and that their grade does not reflect the quality of their work, they may appeal the professor's decision using the Academic Appeals Procedure outlined subsequently.

4.2 Student Evaluation of the Professor

Students have the opportunity, through a questionnaire distributed toward the end of each semester, to assess the performance of the professor in carrying out his/her academic responsibilities. Data from these questionnaires, along with other data used by the University in making decisions on faculty promotion, tenure and salary, and by the professor in improving his/her teaching effectiveness.

4.3 What the Professor May Expect of the Student

While students are free to take reasoned exception to data or views offered in a course of study and to reserve judgment about matters of opinion, they are responsible for learning the content of any course in which they are enrolled. Also, at the same time that students have protection through procedures against prejudiced or capricious academic evaluation, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. In order to maintain an atmosphere conducive to learning, disruptive student behavior will

- q. Misrepresenting information or furnishing false information to the University.
- r. Harassing, annoying, or alarming another person, attempting or threatening to kick, or otherwise subject another person to physical contact, making an offensive coarse utterance, gesture or display, addressing abusive language to any person following a person in or about in a public place or places, or engaging in a course of conduct or repeatedly committing acts that alarm or seriously annoy another person.
- s. Engaging in sexual harassment.
- t. Taking any action or creating any situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization or group.
- u. Intentionally exposing genitals, buttocks, or breasts in a public place on the University premises or at University-sponsored activities without University authorization.
- v. Appearing in a public place on University premises or at University sponsored activities manifestly under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property or there is unreasonable annoyance to persons in the vicinity.
- w. Unauthorized access to and/or use of information contained in university records and/or computer files.
- x. Aiding or abetting any conduct described above.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

7. HEARING PROCEDURES

Hearings are nonadversarial in form and procedure. Participants may bring a peer to serve as an adviser. This adviser will not be permitted to address or question the student to the hearing.

7.1 I. Appeal of Academic Matters

A. When a student believes that an instructor has violated his/her rights in the classroom (e.g., late syllabus, failure to follow stated grading policy or other procedures and objectives as outlined in the syllabus, discrimination in evaluation,

individual achievement, illegal discrimination or harassment) the student should to the following procedure:

1. The student will discuss the matter with the course instructor within ten working days (i.e., full days when the business offices of the University are in operation) of the receipt of the grade, or the occurrence of any other incident being appealed. If the student is unable to contact the instructor, he/she is to seek the aid of the department chairperson in contacting the instructor. The student will provide the course instructor with a written statement that expresses the concern in very specific terms. The instructor will respond in writing to the student within five working days. This written communication will be forwarded to the appropriate chairperson with an explanation from the student should an appeal be requested.

2. If the matter cannot be resolved, the student should complete the "Appeal of Academic Matters" form within ten working days after receipt of the instructor's response and submit it to the chairperson. The chairperson will forward the original of the appeal to the student, a copy to the course instructor, and will retain a copy in the department files. In a case involving a graduate student, the chairperson will seek the advice of the respective director or dean of the graduate program before making the formal response.

3. Should no resolution be possible at the department level, the student or the course instructor may formally appeal in writing to the appropriate dean, within ten working days of receipt of the chairperson's response. The appeal to the dean will be accompanied by a transmittal to the dean of the completed appeal form. Upon receipt of the appeal, the dean will notify all parties involved of the receipt of an appeal and will then attempt to resolve the dispute.

If a resolution is not possible, the dean will convene the appeals panel and ask to determine if a prima facie case (sufficient by itself to prove the grounds for appeal unless contradicted) for a hearing procedure is in evidence. At this time, the dean will convey to the appeals panel the entire file of the case for its use in making this determination. In reviewing appeals of matters relating to receipt of grades, the panel will be concerned entirely with alleged violations of institutional policy or procedure rather than with content or matters of judgement.

If the panel determines that a prima facie case is not evident, it will so report to the dean. The ruling of the panel that the prima facie case is lacking is final. Upon receipt of the panel's report of the lack of a prima facie case, the dean will notify the department chairperson, the course instructor, and the student. If the panel determines that a prima facie case is in evidence, the panel will proceed to a full hearing of the appeal.

The Appeals Panel, selected in accordance with the Affirmative Action Policy of the University will consist of the following:

- a. Two faculty members chosen by the dean at the beginning of the

academic year. These choices will be made from a group comprised of one representative from, and chosen by, each department responsible to the dean.

b. One faculty member chosen by the dean from the department in which the appeal was initiated. Should this department already be represented on the panel, the dean will select the third faculty panel member from the original group of department representatives referenced above. The faculty member whose decision is in question (i.e., the course instructor of the department chairperson) may not sit on the panel. Other panel members will be excused when a conflict of interest exists.

c. Two students. These panel members plus an alternate will be chosen from the academic college by Student Government at the beginning of the academic year and the names will be given to the appropriate dean at that time. If these students are unavailable, the dean will select two student panel members and an alternate student to serve on the committee. The student initiating the appeal may not sit on the panel. Student panel members will be excused when a conflict of interest exists.

d. In cases involving a graduate student, the respective graduate program director will be a standing member of any panel assembled to consider an appeal, except in instances where the program director is also the instructor in question.

e. The dean will appoint a chairperson from among the panel members for each case. The panel will collect evidence by research and interview. Insofar as possible, all persons directly involved in the appeal will cooperate by honoring the panel's requests for information. Both the faculty member and the student will have the right to answer charges made. It is extremely important that all information relevant to an appeal be held in strict confidence during the appeal procedure. Public disclosure of such information can negatively affect due process and thereby jeopardize success of the appeal. Public disclosure of information may also violate state and federal, civil and criminal laws. The panel will make a written report of its findings to the dean within five working days of the formal hearing. The dean will make a determination in this case based on the findings and will send notification of this determination to the student, the course instructor, the department chairperson, and the Provost.

If the student or the course instructor is not satisfied with the dean's determination, he/she may appeal the case to the Provost. The appeal must be in writing and sent to the Provost within five working days of the date of notification of the dean's determination. The entire file of the case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence which was presented to the appeals panel either oral or written. The Provost will notify those persons involved of the determination.

B. When a student feels that he/she has been unjustly penalized due to catalog discrepancies, the student should complete the "Appeal of Academic Matters" form.

and submit it to his or her dean. Upon receipt of the appeal, the dean will notify parties involved of the receipt of an appeal and will then attempt to resolve the appeal. If resolution is not possible, the dean will convene the appeals panel in accordance with the procedures outlined above and follow the procedures outlined therein.

If a student is not satisfied with the dean's determination, he/she may appeal the determination to the Provost. The appeal must be in writing and submitted to the Provost within ten working days of the date of notification of the dean's determination. The entire case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence contained in the file. The Provost will not hear additional evidence either oral or written. The Provost will notify those persons involved of the determination.

7.2 II. Cheating and Plagiarism

The maintenance of academic standards and integrity includes the obligation not to cheat or plagiarize. A student who uses a dishonest or deceitful means to obtain credit is guilty of cheating; a student who submits another's work as one's own without adequate attribution is guilty of plagiarism.

A. A course instructor who has sufficient evidence that a student has cheated or plagiarized will confront the student with the evidence within ten working days from the date of discovery of the alleged cheating or plagiarism.

1. If the student admits to the charges, the instructor may lower the student's grade or give the student a failing grade in the course. The instructor will recommend to the chairperson any additional sanctions to be imposed. The chairperson will review the recommendation and make a recommendation to the dean of the college in which the course was taught. The dean will review the recommendation and impose an appropriate sanction for the student. If suspension or expulsion is recommended by the dean, this recommendation will be transmitted to the Provost, who will review and determine whether to impose the recommended sanction or a lesser sanction.

a. Only in the case of suspension or expulsion will the student have a right to appeal to the President. The appeal must be in writing and must be submitted within ten working days of receipt of the decision of the Provost.

b. Should the student be dissatisfied with the President's decision regarding suspension or expulsion, the student may appeal in writing to the Board of Regents within five working days of receipt of the President's determination.

2. Should the veracity of the allegation be challenged by the student, the instructor will forward the written charges to the chairperson, with a copy to the student within ten working days of the meeting.

3. The chairperson will review the charges and meet with the student. If resolution of the matter is not possible, the student (or faculty member) may request a hearing. Such a request will be made in writing to the appropriate dean within ten working days of the meeting with the chairperson. Upon receipt of a request for a hearing, the dean will convene a hearing panel.

B. The hearing panel will consist of the following members:

1. Two faculty members chosen by the dean at the beginning of the academic year. These choices will be made from a group comprised of one representative from, and chosen by, each department responsible to the dean.

2. One faculty member from the department in which the cheating or plagiarism occurred. Should this department already be represented on the panel, the dean will select the third faculty panel member from the original group of department representatives, referenced above. The faculty member whose decision is in question (i.e., the course instructor or the department chairperson) may not sit on the panel. Other panel members will be excused when a conflict of interest exists.

3. Two students. The panel members plus an alternate will be chosen from the academic college by the Student Government Association at the beginning of the academic year and the names will be given to the appropriate dean at that time. If the students are unavailable, the dean will select two student panel members and an alternate student to serve on the committee. The student accused of cheating or plagiarism may not sit on the panel. Student panel members will be excused when a conflict of interest exists. In cases where the student charged is a member of a minority group or is a woman, every effort will be made to place a minority or a woman on the panel.

4. In cases involving a graduate student, the respective graduate program director will be a standing member of any panel assembled to consider a request for a hearing, except in instances where the program director is also the instructor in question.

5. The dean will appoint a chairperson from among the panel members for each case.

C. The panel will collect evidence by research and interview. Insofar as possible, persons directly involved in the action will cooperate by honoring the panel's request for such information relevant to a hearing be held in strict confidence during the hearing procedure. Public disclosure of such information can affect due process; thereby jeopardize the fairness of the process. Public disclosure of information

also violate state and federal, civil and criminal laws.

The panel will make a written report of its findings to the dean within five working days of the formal hearing.

The dean will make a determination based on the findings and will send notification of this determination to the student, the course instructor, the department chairperson, and the Provost.

If the student or the course instructor is not satisfied with dean's determination, they may appeal the case to the Provost. The appeal must be in writing and submitted to the Provost within five working days of the date of notification of dean's determination. The entire file of the case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence contained in the file. The Provost will not hear additional evidence either oral or written. The Provost will notify those persons involved of the determination.

D. Where suspension or expulsion is recommended, the Provost will make the final determination. The student's right of appeal to the President and Board of Regents is outlined in part II, Section A. 1 a-b. In cases where the evidence at the hearing has established that cheating or plagiarism has not occurred, the original grades earned in the course will be placed in the student's record.

7.3 III. Appeal of Non-Classroom Matters

A. Except in the case of penalties for parking violations (appeals of which are heard directly by the University Parking Appeals committee), and Residence Hall violations (appeals of which are heard according to Residence Hall Judicial Procedures outlined in section V herein), when a student feels that he/she has been unjustly penalized for a non-academic offense the following appeal process must be initiated within ten working days after imposition of the penalty:

1. The student should appeal his/her case to the immediate head of the unit imposing the penalty. Upon completion of this meeting, the head of the unit shall prepare an informal written summary of the discussion. This summary shall be made available to the student and the appropriate administrative officer.
2. If no satisfactory agreement can be reached, the student should formally appeal the matter in writing, and within ten working days, to the vice president in charge of the area.
3. Upon receipt of appeal, the vice president will attempt to resolve the dispute. If resolution is not possible, the vice president will convene the Appeals Panel (composition of this panel is described below) and ask it to determine if a prima facie case for a hearing procedure is in evidence. The vice president will convey to the Appeals Panel the entire file of the case for its use in this determination.
4. If the panel determines that a prima facie case is not in evidence, it will so report to the vice president, who will notify the student, and the unit

head. If the panel determines that a prima facie case is in evidence, it will proceed to a full hearing of the case.

B. The appeals panel will consist of the following members:

1. Two members of the University community area involved in the imposition of the penalty. These members will be chosen by the vice president, at the time of the appeal. One of the two members chosen at the time of appeal must be the representative from the unit that imposed the penalty. University personnel directly involved in imposition of the penalty, however, may not sit on the panel.
2. Three students. These three panel members, plus an alternate, will be chosen by Student Government at the beginning of the academic year, and their names will be given to each vice president at that time. If these students are unavailable, the vice president will select two student panel members and an alternate student to serve on the committee. A student initiating an appeal may not sit on the panel. Student panel members will be excused when a conflict of interest occurs.
3. A panel chairperson will be chosen by the vice president upon formation of the panel.

C. The panel will collect evidence by research and interview. Insofar as possible, parties directly involved in the appeal will cooperate by honoring the panel's request for such information relevant to an appeal be held in strict confidence during the procedure. Public disclosure of such information can affect due process and the jeopardize success of the appeal. Public disclosure of information may also violate state and federal, civil and criminal laws.

The panel will make a written report to the vice president. The vice president will hear additional evidence, either oral or written. The vice president will make a determination in the case based on these findings and will send notifications of decision to the student, the unit head, and the President. This decision will be final.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

8. Breach of Student Code/University Regulations not covered "Appeal of Classroom Matters," "Appeal of Non-Classroom Matters," or "Cheating and Plagiarism."

A. Should a student be accused of any breach of the Student Code, University regulations, or dishonesty not covered by Sections 1, 2, or 3, the party who has knowledge of this alleged action will place charges in writing for the Dean of Students.

within ten working days of knowledge of the alleged incident. The Dean of Students can also bring charges against students.

B. Upon receipt of the charges, the Dean of Students or his/her delegate will meet with the student, explain the charges, and grant the student an opportunity to respond to the charges.

1. If the student admits to the charges, the Dean of Students will impose appropriate sanction for the student. If suspension or expulsion is recommended by the Dean of Students, this recommendation will be transmitted to the Vice President for Student Affairs, who will review and determine whether to impose the recommended sanction, a greater or a lesser sanction. The Vice President for Student Affairs will communicate his/her decision to the student within five working days of the receipt of the Dean of Students recommendation.

- a. A student will have a right to appeal suspension or expulsion in writing to the President within ten working days of receipt of the decision of the Vice President for Student Affairs.

- b. Should the student be dissatisfied with the President's decision regarding suspension or expulsion, the student may appeal in writing to the Board of Regents within five working days of receipt of the President's determination.

2. Should the veracity of the allegation be challenged by the student, he/she will have the right to a hearing. A request for a hearing will be in writing and must be made within three working days of the meeting with the Dean of Students or his/her delegate.

- a. The Hearing Committee will consist of:

1. Two faculty members chosen by the Dean of Students from the pool of faculty identified for Hearing Committees.

2. One faculty member from the student's department. If the student is an undeclared major a third faculty member shall be appointed in accordance with Section a, 1., above.

3. Two students. A pool of students from each college shall be selected at the beginning of each year by Student Government. If these students are unavailable, the dean will select two student panel members and an alternate to serve on the committee. Every effort will be made to ensure that women and minorities are present in the pool. The student requesting the hearing may not

building, wing, or room is prohibited.

5. Physical Assault - Residents are not to engage in any behavior which inflicts, or is intended to inflict, bodily harm upon any person, including taking reckless action which results in harm to another person.

6. Rape - Residents are prohibited from conduct which subjects another person to sexual intercourse by forcible compulsion or while the person is incapable of consent or when the person is under the influence of a substance which impairs his/her ability to consent.

7. Sexual Assault - Residents are prohibited from conduct which subjects another person to sexual contact by forcible compulsion or while the person is incapable of consent or when the person is under the influence of a substance which impairs his/her ability to consent.

8. Reporting Emergencies - The intentional false report of a bomb, fire, or other emergency in a residence hall facility or on University property is strictly prohibited. This includes misuse of fire pull alarms and the intentional activation of smoke detectors.

9. Threatening Behavior - Residents are not to engage in actions (including verbal or physical) which threaten, intimidate or which have the specific purpose of subjecting another person to harassment or intimidation.

10. Violation of State, Federal, or Municipal Law - Any resident who violates any state, federal, or municipal law or statute, whether specifically mentioned in this document or not, while on or in the premises of the residence halls, shall be subject to the residence hall judicial system. The adjudication of such violations may proceed independently of state, federal, or municipal agencies.

11. Weapons & Firearms - The possession of or use of any firearm, ammunition, explosive device (including fireworks), or other weapon on residence hall property is strictly prohibited. Weapons include, but are not limited to, martial arts weapons, knives (other than cooking utensils), bows and arrows, air guns, rifles, shot guns and BB guns.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

Appeals of matters relating to illegal discrimination will follow the procedures in Part III, 1. (Appeal of Academic Matters) or Part III, 3. (Appeal of Non-Academic Matters), as appropriate.

a. Any student who feels that he/she has been illegally discriminated against may contact the Special Assistant to the President for Affirmative Action and Multicultural Affairs. All information will be kept confidential and the student will not be required to initiate a complaint.

b. The student may also at any time seek advice from the Dean of Students, an academic chairperson, the appropriate academic dean, or other University administrators as appropriate. They may, with the consent of the student, informally investigate and attempt to resolve the grievance. Unless the student so consents, all information will be kept confidential and the student will not be required to initiate a formal complaint.

c. The student also has the option of filing a complaint with the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region VII, P.O. Box 901381, 10220 North Executive Hills Blvd 8th Floor, Kansas City, MO 64190-1381.

[Return to Table of Contents](#)

[Return to Dean of Students Home Page](#)

11. Sexual Harassment Policy and Procedures

The University will not tolerate sexual harassment. In its policies and procedures the University seeks to deal effectively with the problem and to preserve the rights and privileges of students involved in cases of alleged sexual harassment.

1. Definition of Sexual Harassment

Sexual harassment is defined as:

unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal, or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions, affecting such individual; or (2) such conduct is sufficiently severe, persistent or pervasive to create an



TO: Members of the University Community

The University of Kentucky values the contribution of all students, faculty, staff and visitors in our community of learning. Racial harassment, a form of race discrimination, denies students the right to an education and restricts employees from carrying out the University mission.

This brochure speaks to the University policy and procedures for handling allegations of racial harassment. Specifically, it defines and describes harassing conduct on the basis of race, color, or national origin, describes conduct that manifests itself in different ways, and more importantly, offers information on ways to seek help within the University.

Racial harassment is a violation of the Civil Rights Act of 1964, state law, and University policy. Violators will be held accountable for their offenses, and dealt with in a timely and consistent manner.

The real message in this brochure is one of respect for human dignity and value. Your assistance is necessary to foster the environment our community must provide for everyone.

Sincerely,

Lee T. Todd, Jr.
President

Racial Harassment University of Kentucky

DEFINITION

No individual or identifiable group of persons shall on the basis of race, color or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in the context of employment or participation in a university course, program, service or activity. Racial harassment is a form of race discrimination that includes:

Different treatment without a legitimate, nondiscriminatory reason which interferes with or limits the ability to participate in or benefit from privileges provided by the University.

Creation of an intimidating, hostile or offensive environment that is so severe, pervasive or persistent that it interferes with or limits the ability to participate in or benefit from privileges provided by the University.

CONDUCT

The University of Kentucky is committed to creating and maintaining a community in which students, faculty, staff and guests work together in an atmosphere free of all forms of harassment, exploitation or intimidation.

Racial harassment is usually more than an isolated incident of racial hostility or casual racial comment. However, in some cases a racially hostile environment may result from a single incident that is sufficiently severe. In determining whether alleged conduct constitutes racial harassment, the record as a whole will be considered, as well as the totality of the circumstances. This means that the nature of the alleged conduct and the context in which the alleged conduct occurred will be examined and evaluated to determine whether the totality of circumstances of the harassment created a racially hostile and/or offensive campus environment.

Racial harassment is a form of discrimination on the basis of race, color, or national origin and may include, but is not limited to, many different types of action such as:

➤ **Verbal Harassment** - name calling, verbal abuse, epithets, derogatory comments, threats, slurs, unwelcome remarks, or innuendoes in attributing an individual's personal conduct, habit or lifestyle to his/her racial or ethnic affiliation, or taunting about a person's race, color or national origin. Also, racist or derogatory or offensive posters, pictures or other materials, cartoons, drawings, graffiti, such as degrading or insulting words, messages or slogans, written, drawn or displayed on University property.

➤ **Physical Harassment** - assault, impeding or blocking movement, any physical interference with normal work or academic participation, the production or distribution of hate literature, vandalism, intimidation, or being excluded because of one's race or ethnic background.

PROHIBITED ACTS

Every member of the University community is prohibited from:

- engaging in racial harassment;
- retaliating against a complainant or any individual who participates in an investigation;
- making intentionally false accusations.

COUNSELING

The effects of racial harassment differ greatly from one individual to the next. The University of Kentucky Counseling Center provides support to students who have experienced the effects of racial harassment, and the Employee Assistance Program (REFER Program) is available to all University faculty and staff.

WHAT IF YOU ARE RACIALLY HARASSED?

It is your right to pursue an education or to perform a job in an environment free from racial harassment. If you feel that you have experienced or witnessed this type of interference, seek assistance within the University promptly. Many offices are established to provide assistance in dealing with these violations. Penalties for harassers range from reprimand to probation to termination of the harasser's association with the University.

Other suggestions include:

- Talk to someone you trust about the problem. You need not feel as if you have provoked this action or that you must face the situation alone.
- Keep a written record of dates, times, places, witnesses, discussions and specific actions for each occurrence. Subtle harassment is better defined in this manner, as opposed to a blatant act.
- Make it clear to the harasser that the behavior is offensive and will not be tolerated.
- Do not delay informing others of such inappropriate behavior.

RACIAL HARASSMENT IS A VIOLATION OF THE CIVIL RIGHTS ACT OF 1964 AND UNIVERSITY OF KENTUCKY POLICY.

HELP IS AVAILABLE

As an educational institution, the University of Kentucky has a duty to provide a nondiscriminatory environment that is conducive to learning. If you feel you have been harassed or discriminated against, there are several places on campus you can go for information, clarification or assistance.

- Seek help from your dean, department chair, director, faculty, residence hall advisor or Greek advisor.

- The staff in the Office of Minority Affairs is available to assist you. Feel free to contact one of the following: Associate Provost for Minority Affairs; Director of Minority Affairs, Medical Center; Director of Multicultural Affairs, Lexington Community College.

- You may also seek help from managers, supervisors or other administrative offices on campus such as Human Resources, Counseling Center, International Student Affairs, Dean of Students, LCC Dean of Student Affairs, African American Student Affairs or Martin Luther King, Jr. Cultural Center.

Each dean, director, department chair and administrative or supervisory head of an operational unit is responsible for the dissemination and implementation of University policy.

Representatives from one of the offices listed below are available to advise administrators or handle both formal and informal complaints.

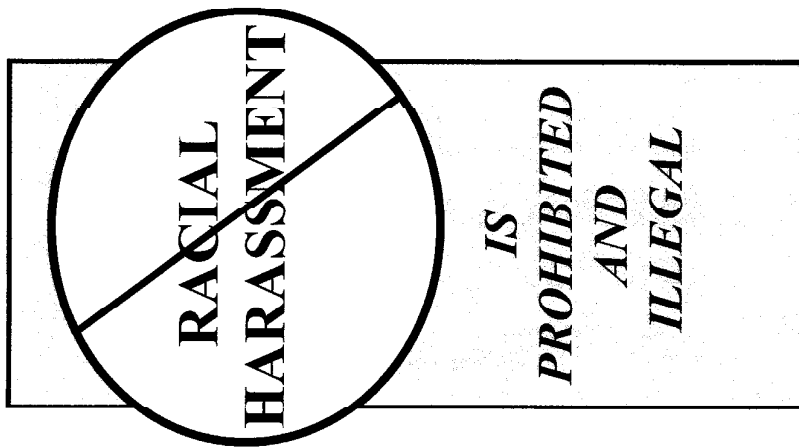
Title	Location	Telephone
Academic Ombud	109 Bradley Hall	257-3737
Equal Opportunity Office	7 Gillis Building	257-8927
Dean of Students	513 Patterson Office Tower	257-3754
Minority Affairs	563 Patterson Office Tower	257-1991
Minority Affairs, Medical Center	A307 Kentucky Clinic	257-5196
Multicultural Affairs, LCC	208B Oswald Building	257-4872 x 4190

"Recognize all members of the University as colleagues, equal as persons and important in their contribution to the University Community."

--UK Strategic Plan

Distributed by: **Equal Opportunity Office**
University of Kentucky
7 Gillis Building
Lexington, KY 40506-0033
859-257-8927
www.uky.edu/vpadmin/eeo

An Equal Opportunity University



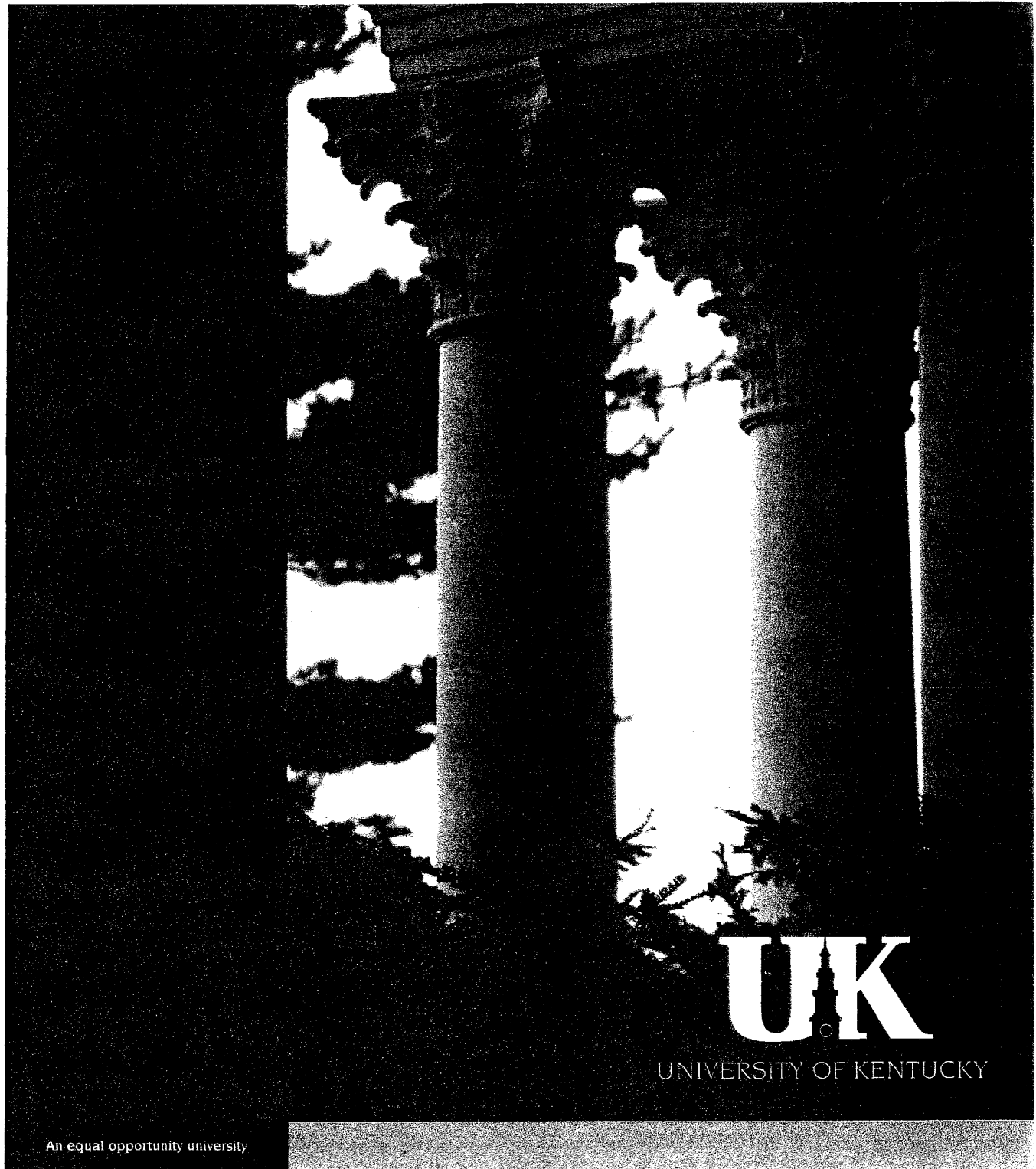
A Guide for
Faculty, Staff and Students



UNIVERSITY OF KENTUCKY

DECEMBER 2001

UNIVERSITY OF KENTUCKY SERIES



2001-2002

HOW TO USE THIS BULLETIN

The information in this bulletin is current at the time of publication. If you are pursuing a degree, you are obligated to fulfill the requirements as they are listed in the bulletin for the semester in which you enroll in that program.

If the requirements change after you have enrolled in the program, you have the option of fulfilling either the old or new requirements. If you elect to fulfill the old requirements and find that necessary courses have been eliminated or substantially revised, you may substitute other courses with the approval of the dean of the college. If the revision is required by an external accreditation certification body, and this body submits a written statement to the University that the accreditation of a program or certification of its graduates is in jeopardy unless students fulfill the new requirements, the option of fulfilling the old requirements shall not apply.

If your study in the program or the University is interrupted for more than two semesters, your college dean will decide which program requirements must be fulfilled.

The University of Kentucky will provide each new student with one copy of the Bulletin. Additional copies may be purchased at either the University or Kennedy bookstores. Reference copies are distributed to all high school counselors in the Commonwealth of Kentucky. Information about the Community College System may be obtained by contacting the Community College System Office, University of Kentucky, Lexington, KY 40506-0056.

OTHER INFORMATION

For specific information about different parts of the University, direct inquiries to members of the administrative staff. The post office address is: University of Kentucky, Lexington, KY 40506. Telephone: (859) 257-9000.

General information, transcripts of credits: University Registrar

Admissions: Director of Admissions

Student Affairs: Vice Chancellor for Student Affairs

Living Accommodations: University Housing Office

A particular college and its programs: Dean of the College, Director of Admissions

Community Colleges: Chancellor for the Community College System

Graduate Work: Dean of the Graduate School

Student Financial Aid: Director of Student Financial Aid

Academic Scholarships: Dean for Undergraduate Studies

General publications about the University: Office of Public Relations

Placement services: University Career Center

Counseling and Testing: Director of Counseling and Testing Center

Distance Learning Technology Center: Director, Distance Learning Technology Center

Evening and Weekend and Correspondence Courses: Executive Director, University Extension

The University of Kentucky is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097; Telephone number 404-679-4501) to award undergraduate, graduate, and professional degrees.

COMPLIANCE WITH REGULATIONS

The University of Kentucky is committed to a policy of providing educational opportunities to all qualified students regardless of economic or social status, and will not discriminate on the basis of race, color, religion, sex, marital status, beliefs, age, national origin, sexual orientation, or physical or mental disability.

Compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination, and with Title VI of the Civil Rights Act of 1964 is coordinated by Mr. Terry Allen, Equal Opportunity Office, 8 Administration Building, University of Kentucky, Lexington, KY 40506-0032, (859) 257-8927.

Efforts to comply with the laws and regulations applicable to people with disabilities are also coordinated by the Equal Opportunity Office, as required by Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Questions concerning compliance with regulations may be directed to UK's Equal Opportunity Office, or to the Director of the Office for Civil Rights, U.S. Department of Education, Washington, D.C.

The University is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. Questions may be directed to the Vice Chancellor for Student Affairs or the Human Resource Services Director's Office.

Questions about admission to the University should be directed to the appropriate admissions office.

Photographs by Tim Collins

Volume 93

Issue 1

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PART XII
MISCELLANEOUS

A. Equal Opportunity

Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices without regard to sex, race, ethnic origin, national origin, color, creed, religion, age, or political belief. Further, the University shall not discriminate against any employee or applicant for employment because of Vietnam-era veteran status, disabled veteran status, or physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified.

The President is responsible for the development of an affirmative action program by which full implementation of this policy can be effected in the University.

B. Policy on Sexual Harassment

It is the policy of the University of Kentucky that sexual harassment of students, faculty, and staff is prohibited. Complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirements. Definitions and procedures relative to handling complaints of sexual harassment are provided in the Administrative Regulations (AR II-1.1-9).

C. Solicitation of Funds

Various charitable organizations desire, from time to time, to conduct on-campus solicitations of contributions from faculty and staff. These charitable solicitations are carried out (1) through use of University mail service and (2) through access to the payroll deduction system.

The University does not intend to convert either its mail system or its payroll process into either a limited or unlimited public forum, but prefers to maintain its systems as a non-public forum.

The following criteria will be applied by the administration in determining which, if any, charitable agencies will be permitted to engage in the on-campus solicitation of faculty and staff:

1. Whether the charity maintains an affirmative action plan.
2. In cases where access to the payroll deduction is involved, whether the charity can demonstrate that at least thirty percent of the on-campus, University employees have given to the charity in four out of five years or that thirty percent of the on-campus, University employees intend to give to the charity in the current year.

7.0 Section VII Code Of Faculty Responsibilities

7.1.0 APPLICABILITY

This Code shall apply to all faculty members associated with the University System of the University of Kentucky and to all graduate students or other personnel having teaching or research assignments in that System, hereinafter referred to as the teaching and research personnel.

7.2.0 RESPONSIBILITIES

The teaching and research personnel of the University System of the University of Kentucky hereby subscribe to the following specific responsibilities which can be enforced under this Code.

7.2.1 GENERAL RELATIONS

- A The teaching and research personnel shall respect the rights of all campus members to pursue their academic and administrative activities.
- B They shall respect the rights of all campus members to free and orderly expression.
- C They shall act with propriety in all dealings with members of the University community.
- D They shall respect the right of any member of the University community to privacy, including privacy of desk, carrel, and office space, and refrain from improper or false disclosure of such member's social or political views or activities. (It is not improper for a faculty member to make a disclosure upon request of a person entitled to such information.)
- E They shall respect the rights of all campus members to be given fair treatment and to be judged on basis other than race, religion, political belief, age, or sex. Sexual harassment is considered by the University of Kentucky to be one form of sexual discrimination. (See Board of Trustees Minutes, March 1, 1983.) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature constitute sexual harassment when:

Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, promotion, or academic standing; as a basis for employment, promotion, or academic decisions; or substantially interferes with an individual's work or academic performance, or creates an intimidating, hostile, or offensive academic environment. (US: 4/11/83)

7.2.2 ADMINISTRATIVE RELATIONS

- A The teaching and research personnel shall utilize the property of the University in accordance with the official rules.
- B They shall comply with the *Governing Regulations*, the *Administrative Regulations*, and the rules and regulations promulgated and approved by the University Senate.

2.11 Admission Policy

An applicant for admission to the University shall not be discriminated against because of race, color, religion, sex, marital status, sexual orientation, national origin, age or beliefs. Moreover, no otherwise qualified person with a disability will be denied admission solely because of the person's disability.



UNIVERSITY of LOUISVILLE

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Affirmative Action & Employee Relations

UofL Affirmative Action (502) 852-6538

Human Resources (502) 852-2637

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Interim Discriminatory Harassment Policy

The University of Louisville's Discriminatory Harassment Policy reflects the commitment to maintain a community that is free from harassment of any kind. Harassment of any kind is not acceptable at the university. It is inconsistent with the university's commitment to excellence and respect for all individuals. The university is also committed to protecting the academic freedom and freedom of expression of all members of the university community. Academic freedom and freedom of expression includes, but is not limited to, the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in work places elsewhere in the university community. This policy does not attempt to address behaviors that do not constitute discriminatory harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or office as outlined in the Staff Handbook, Redbook, or Student Handbook.

DEFINITION

Discriminatory harassment is contrary to University of Louisville policy and may also be illegal. The university defines discriminatory harassment as:

1. Behavior of any type (oral, written, graphic, physical) that creates a "hostile environment." Hostile environment harassment includes, but is not limited to, unwelcome comments or conduct that have the purpose of unreasonably interfering with an individual's work or academic performance, participation in a sponsored university activity, or creating an intimidating, hostile or offensive working or learning environment that a reasonable person would find threatening or intimidating;
2. The behavior is directed at persons because of their race, color, national origin, religion, gender (whether or not sexual in nature), age, disability, veteran status, or sexual orientation, unless otherwise permitted or required by applicable law; or
3. Employment or academic decisions made in retaliation for a person's unwillingness to submit to such conduct, or benefits or privileges provided as a result of such submission; or participation in a university, state, or federal discrimination investigation AND, which also unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find threatening or intimidating.

A person must be in a position of authority to act on behalf of the university (for example, a supervisor with respect to an employee, or a faculty member with respect to a student) for parts 2 or 3 above to be applicable. Part 1, however, does not require that a person misuse university-delegated authority, and applies whenever such conduct by any person while on university grounds or during university activities interferes with work or academic performance or participation in university activities, or creates a working or learning environment that would be threatening or intimidating to any reasonable person under the same circumstances.

Nothing herein overrides existing university policy, or circumscribes the authority of the university to establish policy that is not otherwise contrary to law.

EXAMPLES

Discriminatory harassment can take many forms, and determining whether an action constitutes discriminatory harassment requires examining all of the circumstances. Each situation must be promptly reviewed and appropriate action taken. The following are examples of behavior that should be reported for review under this policy:

- Frequent taunting on the basis of an individual's association with people of a particular national origin or race
- The oral use of offensive epithets, slurs, or comments aimed at a particular person or group, or the use of offensive gestures, pictures, body parts, drawings, and other items based on age, color, disability, gender (whether or not sexual in nature), national or ethnic origin, race, religion, sexual orientation, or veteran status
- Teasing or mocking a person with a disability whether mental or physical
- Ridiculing a person's religious beliefs
- Persisting in requests for dates after being told they are unwelcome
- Evaluating an employee or student more critically than performance warrants because the employee or student objected to a sexual advance
- Sending unwelcome mail, voice mail or e-mail containing derogatory jokes or comments based on the protected classes outlined in this policy
- Displaying or sending mail, email, web sites or voice mail that are pornographic in nature
- Touching that goes beyond acceptable workplace or classroom interaction, meaning that a reasonable person would find it objectionable
- Repeated references to sex in the classroom or class assignments when there is no relationship between the reference and the content of the course

RESPONDING TO HARASSMENT

If you believe you are experiencing treatment that violates this policy, you may take the following steps:

1. If possible, clearly tell the harasser to stop. Record what happened, the action you took, and the date of the incident.
2. If you cannot or do not wish to confront the harasser, or your efforts did not stop the conduct, you may contact your supervisor, the department chair, a faculty advisor, the Division of Student Affairs, Womens Center, or the Office of the University Provost for help.
3. You may also contact the Affirmative Action/Employee Relations Office (852-6538 or 852-6536) at any time whether or not you have taken the above steps. The Affirmative Action/Employee Relations Office is the university office responsible for receiving and addressing discriminatory harassment complaints. You may seek informal help or information from the Affirmative Action/Employee Relations Office, or you may file a formal complaint. Information on the complaint process is provided below.
4. Some forms of harassment may violate federal and state laws, and a complainant or respondent may choose to invoke external processes to resolve their grievances. Such individuals may contact the appropriate state and local agency, the Equal Employment Opportunity Commission, or the United States Department of Education, or the Office for Civil Rights or the Commission on Human Rights.

Note: The university maintains a fair and responsive method for reporting and addressing complaints of discriminatory harassment. Prompt reporting and your assistance is critical to allow rapid response by the university and resolution of the objectionable behavior.

Supervisor Responsibilities: Managers, supervisors, deans, and department heads are

responsible for communicating the university's policy on discriminatory harassment to employees, and are obligated to take action when they observe or hear of incidents that may violate this policy. A supervisor must:

1. Provide information regarding the university's Discriminatory Harassment Policy and offer options for addressing a complaint.
2. Take action suitable to the circumstances, which may include among other things, talking to persons involved or witnesses, examining other evidence, or arranging for training through the Affirmative Action Office at 852-6536.
3. Contact the Affirmative Action/Employee Relations Office at 852-6538 or 852-6536, for assistance or to refer matters that have not been resolved.
4. Ensure that persons who have raised concerns of discriminatory harassment in good faith are not subject to retaliation.
5. Monitor situations that have been addressed, and follow-up if necessary.
6. Record the complaint and submit to the Affirmative Action Office. Include any action that was taken.

Note: Supervisors who do not appropriately handle reports or incidents of discriminatory harassment, or fail to report them to the Affirmative Action/Employee Relations Office, may be subject to disciplinary action.

THE UNIVERSITY OF LOUISVILLE'S FORMAL COMPLAINT PROCESS

Formal complaints of discriminatory harassment may be filed with the Affirmative Action/Employee Relations Office. The procedures for processing harassment complaints are described in the document entitled "Discriminatory Complaint Procedures," which is also available on the Affirmative Action/Employee Relations website,:

<http://www.louisville.edu/admin/humanr/aa/hraaadcp.htm>

The Affirmative Action/Employee Relations Office requires that complaints be in writing and made within 180 days of the last alleged discriminatory action. In certain circumstances, complaints filed outside of this time limit or that are not in writing may be investigated informally, and all other time limits contained in these procedures may be extended for good cause.

The Affirmative Action/Employee Relations Office will:

1. Respond to every complaint of discriminatory harassment;
2. Act impartially whether an investigation is conducted or not, act impartially considering the interests of all parties;
3. Information regarding an allegation of discriminatory harassment and the parties involved is kept as confidential as possible and shared only with those who have a legitimate reason to know;
4. In the case of formal complaints that are not resolved through mediation, issue a report to both parties and the relevant Vice President/Dean containing findings and conclusions, and recommending appropriate action depending upon the circumstances. If a faculty member is the respondent, a copy will also be issued to the Provost

Discriminatory harassment of students by other students is addressed by certain provisions in the Student Handbook under the Code of Student Conduct and is administered by the Office of Student Life. Complaints may be brought to that office without first going through the Affirmative Action/Employee Relations Office. The Affirmative Action/Employee Relations Office will refer complaints of student-to-student discriminatory harassment to the Office of Student Life. The Code of Student Conduct can be viewed at: <http://www.louisville.edu/student/life/code.htm>

REMEDIES

Persons found to have violated the provisions set forth in the university's Discriminatory Harassment Policy will be subject to disciplinary action and penalties as set forth in the University of Louisville Policies and Procedures as outlined in the Redbook, Staff Handbook, and Student Handbook. These penalties include, but are not limited to, suspension, demotion, termination, or in the case of students, dismissal. In addition, violation of the university's Discriminatory Harassment Policy may be subject to liabilities available under state and federal law. Other corrective action such as counseling or training; and steps such as reinstatement, hiring, reassignment, promotion, training, back pay or other benefits may be taken as are necessary.

TRAINING AND EDUCATION

Education and training are fundamental to maintaining an environment free of discriminatory harassment. Managers, supervisors, deans, directors, and department heads are responsible for informing employees who are under their direction or supervision of this Policy. Student Life administrators are responsible for providing this information to the student body.

The Affirmative Action/Employee Relations Office is responsible for providing educational and training programs to assist members of the university community in understanding what discriminatory harassment is and is not, and how to address behavior that violates this Policy. Specifically, the Affirmative Action/Employee Relations Office will distribute copies of this Policy to all schools, departments and programs at the University, and will give workshops and on this subject. The Affirmative Action/Employee Relations Office will maintain a brochure that explains in simple, understandable terms the University's policy and procedures concerning discriminatory harassment, and will place copies of the brochure in Human Resources and at other offices to which persons are likely to go for counseling and advice regarding discriminatory harassment.

To schedule training, call the Affirmative Action/Employee Relations Office at 852-6536.

Questions about this Policy should be directed to Harvey Johnson, Director, Affirmative Action/Employee Relations, 852-6538 or e-mail: h0john01@gwise.louisville.edu.

Acknowledgment: The University of Louisville would like to thank Dr. Karen Holt, Office of Equal Opportunity Programs, University of Virginia at Charlottesville, for her assistance and permission to use portions of the University of Virginia's Policy on Discriminatory Harassment.

[Back To Top](#)

[Affirmative Action EEO Opportunity Form](#) | [Request to Interview Candidate Form](#) |
[Justification for Waiver Request Form](#)
[Notice of Available Position](#) | [Summary of Candidate Results](#)
[FLMA Forms and Power Point Presentation](#) |

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[Payroll](#) | | [Policies and Procedures](#) | | [Staff Development](#) | | [Temporary Services](#) |


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TO: Sherron Jackson
Senior Associate, EEO & Finance

FROM: C.J. Woods
Council on Equal Opportunities Representative

DATE: March 14, 2002

RE: Institutional Policy on Racial Harassment

The policy for racial harassment is addressed in Western Kentucky University's Statement of Compliance and the Student Life Policies Statement on Student Rights and Responsibilities found in the Western Kentucky University, 2001-2002 Student Handbook. Western Kentucky University has also formed a Racial Response Team to establish protocols for addressing racially offensive incidents on campus. The policies and procedures are described in more detail below.

Statement of Compliance

"Western Kentucky University is committed to equal opportunity in education and employment. The University does not discriminate on the basis of age, race, color, religion, sex, sexual preference, national origin or disability in any employment or educational opportunities. No person is excluded from participation in, denied the benefits of, or otherwise subjected to unlawful discrimination on such basis in any educational program or activity receiving federal financial assistance."

"If you believe you have experienced discrimination in employment or any educational program or activity, written inquiries regarding the policies and procedures of the University for review of such complaints should be directed to the Equal Opportunity/504/ADA Compliance Office, Room 445, Western Kentucky University, (270) 745-5121; or the Office of the President, 1 Big Red Way, Western Kentucky University, (270) 745-4346."

Reference: Western Kentucky University Student Handbook, 2001-2002, back cover.

Student Life Policies Statement on Student Rights and Responsibilities

"Academic freedom, constructive criticism, and due process of law depend upon civility of behavior by all members of the University community towards all other persons in all circumstances. The University will not tolerate the use or threat of force, violence, coercion, intimidation, obstruction, duress or disruption by any individual or group. Members of the University community found to be participants in such activities will be subject to immediate disciplinary action. Likewise, appropriate measures will be taken to stop and correct such activities by any non-member of the University community, whatever may be the claimed basis for his/her presence on the campus."

Reference: Western Kentucky University Student Handbook, 2001-2002, p.2.

Statement 7

“Each student has the right to the services of the faculty, administrative offices, and counseling agencies of the University without regard to race, color, sex, sexual preference, political or religious creed, or ethnic origin.”

Reference: Western Kentucky University Student Handbook, 2001-2002, p.2.

Statement 8

“Each student has the right to a campus environment free of discrimination and/or harassment. Federal guidelines protect students against these practices and are covered by Title IX, Title VI, and Section 504. Any student who feels he/she is being discriminated against and/or harassed on the basis of race, sex, religion, national origin, or a disability should contact the Office of the Dean of Student Life to file a complaint. This office is located in Room 442, Potter Hall, and the phone number is 745-2791.”

Reference: Western Kentucky University Student Handbook, 2001-2002, p.2.

Racial Response Team

The Racial Response Team was established in February 2002 to develop a university wide protocol for addressing racially offensive incidents on Western Kentucky University’s campus. The response team is also charged with developing proactive educational and programmatic initiatives to inform the University community of such occurrences. The team consists of members from:

Office of the President
Academic Affairs
International Programs
Minority Student Services
Student Activities
Student Affairs
University Relations
University Diversity Advisory Committee



WKU Student Handbook

STATEMENT OF COMPLIANCE

Western Kentucky University is committed to equal opportunity in education and employment. The University does not discriminate on the basis of age, race, color, religion, sex, sexual preference, national origin or disability in any employment or educational opportunities. No person is excluded from participation in, denied the benefits of, or otherwise subjected to unlawful discrimination on such basis in any educational program or activity receiving federal financial assistance.

If you believe you have experienced discrimination in employment or any educational program or activity, written inquiries regarding the policies and procedures of the University for review of such complaints should be directed to the Equal Opportunity/504/ADA Compliance Office, Room 445, Western Kentucky University, (502) 745-5121; or the Office of the President, 1 Big Red Way, Western Kentucky University, (502) 745-4346.

Inquiries regarding discrimination may also be made to the Kentucky Commission on Human Rights, 832 Capital Plaza Tower, 500 Melo Street, Frankfort, Kentucky, 40601, (502) 564-3550; or the Office of Civil Rights, 10220 North Executive Hills Blvd., Kansas City, Missouri, 64153-1367, (816) 891-8183. Inquiries about employment discrimination may also be made to the Equal Employment Opportunity Commission, 600 Martin Luther King, Jr. Place, Suite 268, Louisville, Kentucky, 40202, (502) 582-5851.

STUDENT LIFE POLICIES

STATEMENT ON STUDENT RIGHTS AND RESPONSIBILITIES

General Philosophy and Guidelines

Students are citizens and members of the University academic community. All citizens enjoy the rights and liberties assured by the Constitution of the Commonwealth of Kentucky and the United States of America. Likewise, they are subject to the responsibility and obligation to accord respect to the rights of others.

Constitutional rights and liberties are not abstract absolute concepts. A citizen's rights and liberties under the Constitution must always be applied in light of the special characteristics of the environment in which the rights are to be exercised. Central to the special characteristics of the environment of a state-supported university campus is the special authority of University officials designated by the Board of Regents to control, preserve, and manage University property and affairs and to maintain order and discipline.

The individual student of Western Kentucky University, as a part of the university society, is encouraged to help develop a responsible, intelligent community. The University demands high standards of personal conduct from each student. The student is encouraged to maintain integrity through self-discipline. The University adopts only such reasonable rules and regulations applicable to a student as are necessary for the orderly, harmonious, and beneficial functioning of the whole community. Accordingly, each student must respect the rights of others and should abide by the spirit as well as the letter of regulations of the University and laws of the community, state, and nation.

Academic freedom, constructive criticism, and due process of law depend upon civility of behavior by all members of the University community towards all other persons in all circumstances. The University will not tolerate the use or threat of force, violence, coercion, intimidation, obstruction, duress or disruption by any individual or group. Members of the University community found to be participants in such activities will be subject to immediate disciplinary action. Likewise, appropriate measures will be taken to stop and correct such activities by any non-member of the University community, whatever may be the claimed basis for his/her presence on the campus.

Although a student accused of misconduct will be given every consideration, if actions and behavior of the student are duly found to be detrimental to the University mission, process or functions, the University will take appropriate disciplinary action.

The following statements express the University's basic position toward the rights and responsibilities of a student.

Rights

1. Every person is considered for admission to and for available academic scholarships from Western Kentucky University without regard to race, sex, religious or political creed, or ethnic origin. Specific admission criteria change from time to time and are published in the University catalog.
2. A student, individually or in association with others, is free to engage in off-campus activities, exercising rights as a citizen. When so engaged, in a context in which the participant is identified as a student, there exists a responsibility to make clear that the student does not represent the University.

STUDENT LIFE POLICIES

3. Students associating into organizations may secure registration of the organizations provided they comply with the regulations for registration as stipulated in the regulations for student organizations.
4. Registered student organizations may use campus facilities, provided the facilities are used for the purpose contracted, subject to regulations of the University.
5. Registered student organizations may invite and hear speakers of their choice subject to the University's speakers policy.
6. Each student has the right to a campus environment characterized by safety and order.
7. Each student has the right to the services of the faculty, administrative offices, and counseling agencies of the University without regard to race, color, sex, sexual preference political or religious creed, or ethnic origin.
8. Each student has the right to a campus environment free of discrimination and/or harassment. Federal guidelines protect students against these practices and are covered by Title IX, Title VI, and Section 504. Any student who feels he/she is being discriminated against and/or harassed on the basis of race, sex, religion, national origin, or a disability should contact the Office of the Dean of Student Life to file a complaint. This office is located in Room 442, Potter Hall, and the phone number is 745-2791.
9. Each student has the right to fair and impartial academic evaluation.
10. State and federal law confer upon each student the right to have the University maintain and protect the confidential status of certain records.
11. Each student has the right to speak on University property provided that his/her behavior does not infringe on the rights of others as further defined in the University policy on time, place, and manner of meetings, assemblies, and demonstrations.

Responsibilities

A student enrolling in the University assumes the obligation for conduct in a manner compatible with the University's function as an educational institution. Misconduct for which students are subject to discipline includes the categories numbered one through nineteen below. Further, while the institution does not desire to act as a policing authority for the activities of the student off of University property, and while it cannot serve as a sentencing authority for a student's violation of federal, state or local law, the University may take appropriate action in situations involving misconduct demonstrating flagrant disregard for the rights of others. An attempt or conspiracy to commit prohibited activities also constitutes grounds for disciplinary action. Many of the items of misconduct referred to may constitute violation of the Kentucky Penal Code and carry the possibility of criminal prosecution as well.

1. Dishonesty, such as cheating, plagiarism or knowingly furnishing false information to the University.
2. Forgery, alteration or misuse of University documents, records including but not limited to electronic records, transactions and/or communications, or identification, including student identification cards.

STUDENT LIFE POLICIES

3. Refusal to provide proper identification upon request, students are expected to carry their ID at all times and to present it upon request by University officials.
4. Knowingly passing a worthless check, money order or fraudulent use of credit cards to the University or a member of the University community acting in an official capacity.
5. Interference or disruption which impedes, impairs or obstructs teaching, research, administration, disciplinary procedures or other University missions, processes, functions or other authorized activities including its public service function or other authorized activities on University premises or which inhibits full exercise of rights by others.
6. Physical abuse of any person on University owned or controlled property or at University sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any member of the University community or any other person or persons.
7. Non-consensual sexual contact, including but not limited to sexual misconduct or abuse, rape, acquaintance rape, or sodomy.
8. Theft or damage to property of the University or a member of the University community or campus visitor.
9. Disorderly conduct or lewd, indecent or obscene conduct or expression on University owned or controlled property or at University sponsored or supervised functions. This responsibility also applies to events sponsored and supervised by recognized student organizations.
10. Obstruction or disruption which interferes with the freedom of movement either pedestrian or vehicular, on institutionally owned or controlled property.
11. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or the brandishing of any weapon or any other object in a menacing or threatening manner on institutionally owned or controlled property.
12. Refusal by any person while on institutional property or an event sponsored by the institute to comply with an order of an institutional executive or appropriate authorized official or officials to leave such premises.
13. Unauthorized entry or use of institutional facilities, including buildings and grounds.
14. Use, possession, production, manufacture, sale, possession with intent to sell, trafficking or distribution of narcotics, dangerous drugs or controlled substances, as defined in KRS Chapter 218A, including marijuana, or other drug related activities, including those involving anabolic steroids, except as expressly permitted by law.
15. In addition to federal, state and local laws governing the use and possession of alcoholic beverages, the University prohibits the possession, furnishing or use of alcoholic beverages (including wine and beer) by students and/or guests of students while on University property.
16. Hazing refers to practices which are part of initiation into or affiliation with any organization. It includes:
 - a. Any action or creation of a situation which recklessly or intentionally endangers the mental or physical health of a participant;
 - b. Forced or coerced use or consumption of liquor, drugs, or any other substance;

STUDENT LIFE POLICIES

- c. Harassment by exacting degrading and disagreeable work, ridicule or abusive and humiliating conduct which tends to bring the reputation of the organization or University into disrepute.
- 17. Violation of any University policy, guideline, campus rule or regulation of conduct which adversely affects the student's suitability as a member of the University community.
- 18. Actions involving insubordination, immoral conduct or other contumacy.
- 19. Enticing, inciting others or conspiring to engage in any conduct or to perform any acts prohibited herein.
- 20. The commission of acts which constitute a violation of local, state and federal law upon University property.
- 21. The use of recreational equipment such as rollerblades, skates, skateboards, or bicycles is prohibited indoors. This equipment may be used in areas that are *designated* and built for this equipment use. A bicycle is a generally accepted mode of transportation when ridden safely and yielding to pedestrian traffic.

Disciplinary Actions

The following sanctions comprise the range of official University actions which may be taken as the result of any disciplinary problem. Sanctions may be imposed only after a conference or hearing at which the student has had the opportunity to be heard. Disciplinary actions are listed below which may be taken against students whose behavior or acts violate University regulations. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Chronic and/or multiple violations during the course of an individual student's college career may increase the severity of sanctions applied.

- 1. Warning and/or Reprimand - Official notice to a student that conduct or actions are in violation. The continuation of such conduct or actions may result in further disciplinary action.
- 2. Creative Discipline - A sanction which may be used in lieu of, or in combination with, sanctions numbered three through six below. Creative discipline will be consistent with the offense committed. In some cases, at the discretion of the hearing officer, a student found in violation may attend special educational seminars, classes, or workshops offered in the subject area of the violation or be sanctioned in another way which is directly related to the violation. In these cases, the student must always submit written proof of completion of the sanction to the hearing officer. The University may also contact

parents or legal guardians of students found in violation of policy concerning the possession of alcohol or controlled substances if the student is under 21. A parent and student may get a parent/student disclosure request form from the Dean of Student Office Potter Hall 442. This form should be signed by both parent and student and returned to the Dean of Student Life Office.

**Council on Postsecondary Education
Committee on Equal Opportunities
April 15, 2002**

**Teacher Certification in Kentucky
Student Performance: 2001 PRAXIS**

At the April 2001 and February 2002 meetings of the Committee on Equal Opportunities, the Educational Professional Standards Board staff reported that new cut-off standards had been established and would be applied to students taking the PRAXIS test in calendar year 2001. The new cut-off scores have been implemented and are being applied to students that are to be certified to teach in Kentucky primary and secondary schools. The EPSB staff indicated that the cut-off scores were raised for many test components and lowered for a few. The PRAXIS tests are prepared and given by the Education Testing Service. The results of the first round of testing under the new standards were released April 8, 2002.

The committee asked the staff of EPSB to attend the April 15 meeting to discuss the performance of Kentucky's students on the PRAXIS test following implementation of the new standards. Additional information describing the test and the test results are presented in the attachments.

Staff preparation by Sherron Jackson

Validation and Standard-Setting Procedures for Kentucky Teacher Tests

INTRODUCTION

The Education Professional Standards Board (EPSB) is charged with ensuring that persons who desire to teach in Kentucky's public schools are qualified to do so. The process of ensuring qualifications begins when a person applies for admission to a teacher training program (e.g., requirements include a 21 on the ACT and at least a 2.5 GPA), and continues throughout his/her academic and teaching career (e.g., requirements include successful student teaching and internship experiences). One measure of a person's qualifications is an assessment of his/her knowledge of the subject he/she wants to teach. This measure is taken through the use of a test that the teacher candidate must pass in order to receive initial certification. Given the high stakes of this test for both the Commonwealth and the prospective teachers, it is important that the procedures used to validate the test and set the standard (i.e., the cut-off score) are reasonable and reflect sound professional judgment.

The EPSB conducted validation and standard-setting studies on each of the 43 tests it uses. Forty-one of these tests were developed by the Educational Testing Service (ETS). The other two were developed by the Kentucky Department of Education for use in certification of early childhood teachers and principals, and were subject to similar rigors in determining validity and setting passing scores.

TEST DEVELOPMENT AND NATIONAL VALIDATION PROCEDURE

All of the ETS tests were initially developed using a job analysis approach. The purpose of job analysis is to define domains of knowledge that persons of experience (in this case, practicing educators) deem necessary to entry-level competence. Each job analysis consisted of a similar process:

ETS test development staff constructed an initial draft of domain knowledge. State certification requirements, current test specifications, and salient professional literature were reflected in the draft.

An external review panel consisting of approximately ten subject-matter experts, teacher educators, and school administrators reviewed the draft, and revisions made to the domain statements as recommended by the panel.

02/06/2002

1

An advisory test development committee also composed of approximately ten members with representation by race, ethnicity, gender, geographic region, and levels of professional practice and responsibility then reviewed the revised draft domain. Additional revisions were made as necessary.

The draft domain then was subjected to verification/refutation through a national survey involving several hundred teachers, teacher educators, and administrators. Domain statements remained in the draft only if they were judged to be important by the total group of respondents and by the relevant content subgroups of teachers.

The knowledge domain statements were then used as the basis from which to develop a pool of test questions. The entire pool of test questions were subjected to a multi-state validity study in which the validity and fairness of each item were evaluated. More than 400 teachers and teacher educators from more than 30 states participated in the appraisal process. At least 20 people evaluated each test item, and at least 10 of these identified themselves as African American, Native American, Hispanic American, or Pacific/Asian American.

Each item was evaluated by each of the evaluators on the basis of three criteria:

- 1) The relationship between the knowledge or skill measured by the item and the test specifications.
- 2) The importance of the knowledge or skill measured by the item to the job of an entry-level teacher.
- 3) The fairness of the item.

Each item on the test had to be approved by a statistically significant majority of the review group (e.g., for a group of 20, this meant that at least 15 had to give the item a positive rating at a significance level of .05) or it was rejected or revised. Furthermore, if there was even one negative response to the fairness question, the item was then reviewed by an independent committee to determine if it should be revised, rejected, or retained.

From the array of nationally validated tests as described above, the EPSB selected those that were content-matter appropriate, and then each selected test was subjected to a state-level validation and standard-setting study.

STATE VALIDATION AND STANDARD-SETTING PROCEDURES

Panel Selection

The selection of the panel to review a test is the single most important part of the state validation and standard setting procedures. Typically a panel consists of 10-20 members who are (1) familiar with the job requirements in the relevant certification area and the capabilities of a typical beginning teacher, and (2) representative of the state's educators in terms of gender, ethnicity, and geographic location. The primary criteria used in Kentucky to select members of the panels were:

- certification in the relevant subject area;
- currently teaching the relevant subject area; and
- at least one year, but not more than seven years of teaching experience in the relevant subject area.

Validation Procedure

Kentucky was assisted by ETS in the state validation process to ensure that the process was aligned with accepted best practices.

Rating the importance of the test items

Panelists reviewed each item on the test and responded to the question: "How important is the knowledge and/or skill stated or implied by this test question for the job of an entry-level teacher?" Panelists were asked to rate the importance as "very important," "important," "slightly important," or "not important." The ratings of "very important" and "important" were considered positive ratings. To ensure consistency in the evaluation of panelists' ratings, ETS requested that a two-part decision rule be established regarding the minimum number of positive ratings necessary for each test item and for the test as a whole to be considered valid in Kentucky. Kentucky established criteria that required (1) 60 percent of the panelists' giving an item a positive rating in order for that item to be considered job relevant, and (2) 70 percent of the items' being considered job relevant for the test to be considered valid. Kentucky also stipulated that for those items under the 60 percent rule but above 50 percent, and for those tests below the 70 percent rule but above 60 percent, review by another panel was necessary.

Rating the fairness of each item

Panelists were then asked: "Are any of the questions unfair for examinees of either sex or any ethnic, racial, or religious group?" Each item was reviewed to determine if any panelist identified any language that might render an item unfair based on gender, ethnicity, race, or religion. If a panelist noted an "unfair" item, he/she was asked to provide a brief explanation

of his/her concern and identify the affected group. ETS staff then reviewed each identified item to determine the appropriate revision or action.

Kentucky Department of Education review

Program consultants from the Kentucky Department of Education reviewed the tests relative to their area(s) of responsibilities to ensure that the content covered by the tests aligned with the Kentucky Board of Education's Academic Expectations and Core Content used in the public schools, P-12.

Standard Setting Procedure

Multiple Choice Tests

The process for standard setting for multiple-choice tests used a modified Angoff method of selection – i.e., use of an expert panel. Kentucky's expert panels consisted primarily of teachers who were teaching in the relevant subject areas. All panelists received training on how to judge test questions, on the concept of minimal competence, and on the concept of test fairness. For each panel, panelists' item-specific responses were aggregated into a recommended minimum scale (as opposed to "raw" score) score that should be required of all new teachers. All panels' recommendations were then forwarded to the EPSB for review and approval.

Constructed Response Tests

The benchmark method was used for standard setting for tests with constructed response items. A rating form was used to record three panelists' judgments regarding what should be the passing score on the question under review. Following each of the first two judgments, panelists were provided an opportunity to discuss their scores -- not to urge the group toward consensus, but rather to explore a variety of perspectives. Following the second discussion opportunity, panelists each were asked to provide a final passing score for that particular question. These scores were then averaged and presented to the EPSB as the recommended minimum scale score that should be required of all new teachers.

EPSB Review and Setting of Passing Scores

Setting a passing score on a test for licensure/certification is a policy decision. While the recommendations of the EPSB's standard setting panels were deemed very important, the board also considered other factors, such as the possibility that, by using the panel's recommendation, a qualified person would be rejected or an unqualified person accepted. The EPSB in some cases adjusted the recommended score within a range they had agreed upon. The process of adjustment is a standard procedure used in establishing cut-off scores.

Prepared for the Education Professional Standards Board. For more information, contact Phillip S. Rogers at (502)573-4606
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02/06/2002

4

Education Professional Standards Board

QUALITY INDICATORS FOR EDUCATOR PREPARATION PROGRAMS IN KENTUCKY

Primary quality indicators for Kentucky's educator preparation programs are (1) the education unit's* accreditation status, which is determined every five years, and (2) the Education Professional Standards Board's (EPSB's) Kentucky Educator Preparation Program (KEPP) Report Card, an institutional report issued annually and published on the EPSB's web site. The KEPP Report Card incorporates the unit's accreditation status. The EPSB uses the National Council for Accreditation of Teacher Education (NCATE) standards for state accreditation of all institutions, public and independent, and institutions may also choose to seek NCATE accreditation.

ACCREDITATION

The EPSB's expectation is that institutions should meet all six NCATE Standards with few or no areas cited as needing improvement. The standards are as follows.

A. Candidate Performance

Standard 1: Candidate Knowledge, Skills, and Dispositions

Candidates preparing to work in schools as teachers or other professional school personnel know and demonstrate the content, pedagogical, and professional knowledge, skills, and dispositions necessary to help all students learn. Assessments indicate that candidates meet professional, state, and institutional standards.

Standard 2: Assessment System and Unit Evaluation

The unit has an assessment system that collects and analyzes data on the applicant qualifications, candidate and graduate performance, and unit operations to evaluate and improve the unit and its programs.

B. Unit Capacity

Standard 3: Field Experiences and Clinical Practice

The unit and its school partners design, implement, and evaluate field experiences and clinical practice so that teacher candidates and other school personnel develop and demonstrate the knowledge, skills, and dispositions necessary to help all students learn.

* The "unit" is defined as the entire education department, subsumed under which are the various education certification and degree programs.

Standard 4: Diversity

The unit designs, implements, and evaluates curriculum and experiences for candidates to acquire and apply the knowledge, skills, and dispositions necessary to help all students learn. These experiences include working with diverse higher education and school faculty, diverse candidates, and diverse students in P-12 schools.

Standard 5: Faculty Qualifications, Performance, and Development

Faculty members are qualified and model best professional practices in scholarship, service, and teaching, including the assessment of their own effectiveness as related to candidate performance. They also collaborate with colleagues in the disciplines and schools. The unit systematically evaluates faculty performance and facilitates professional development.

Standard 6: Unit Governance and Resources

The unit has the leadership, authority, budget, personnel, facilities, and resources, including information technology resources, necessary for preparing candidates to meet professional, state, and institutional standards.

C. Conceptual Framework

Underlying all the standards must be the institution's conceptual framework, which establishes a shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides direction for programs, courses, teaching, candidate performance, scholarship, service, and unit accountability. The conceptual framework must be knowledge-based, articulated, shared, coherent, consistent with the unit and/or institutional mission, and continuously evaluated.

KEPP REPORT CARD

The KEPP Report Card addresses the following indicators of program quality:

- PRAXIS and state assessment pass rates for teachers
- School Leadership Licensure Assessment and state assessment pass rates for principals
- New teacher, third year teacher, and employer satisfaction survey results
- Kentucky Teacher/Principal Internship Program results

Based on the aforementioned indicators, the EPSB will develop a Quality Point Index by which institutional performance can be rated. The KEPP Report Card also includes demographic and productivity information that will not be calculated in the QPI.

